

Commerce, Justice, Science, and Related Agencies: FY2008 Appropriations

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Summary

This report monitors actions taken by the 110th Congress for the FY2008 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill. In the Consolidated Appropriations Act, 2008 (P.L. 110-161), Congress has provided \$54.637 billion in CJS appropriations, a 3.4% increase over the FY2007 enacted level and a 2.2% increase over the Administration's request. This amount includes \$6.857 billion for the Department of Commerce (a 3.5% increase over the FY2007 enacted level), \$23.592 billion for the Department of Justice (a 1.6% increase), \$23.38 billion for science agencies (a 5.3% increase) and \$808.8 million for related agencies (a 1.0% increase).

The Administration's FY2008 request included \$53.450 billion for those departments and agencies funded through the CJS appropriation, or about a 1.1% increase over the FY2007 appropriation (\$52.843 billion). The request included \$6.596 billion for Commerce (a 0.4% decrease compared to the FY2007 enacted level), \$22.348 billion for Justice (a 3.7% decrease), \$23.744 billion for science agencies (a 6.9% increase), and \$762.5 million for related agencies (a 4.8% decrease). In addition to these amounts, the Administration has requested another \$146.7 million for Justice as part of the FY2008 Global War on Terror Supplemental.

The House passed an FY2008 CJS appropriations bill (H.R. 3093) on July 26, 2007. The House bill would have provided \$55.965 billion for FY2008, or a 5.9% increase over the FY2007 appropriation and a 4.7% increase over the FY2008 request. The House amount would have provided Commerce with \$7.018 billion (a 5.9% increase over the FY2007 enacted level), Justice with \$23.974 billion (a 3.3% increase), science agencies with \$24.127 billion (an 8.6% increase), and related agencies with \$845.7 million (a 5.6% increase).

The Senate passed an FY2008 CJS appropriations bill (H.R. 3093, as amended) on October 16, 2007. The Senate bill would have provided \$57.7 billion, or a 9.2% increase over the FY2007 appropriation and an 8.0% increase over the FY2008 request. The Senate amount would have provided Commerce with \$7.289 billion (a 10.0% increase over the FY2007 enacted level), Justice with \$24.493 billion (a 5.5% increase), science agencies with \$25.019 billion (an increase of 12.7%), and related agencies with \$899.7 million (a 12.4% increase). The Senate bill included \$1 billion in emergency funding for NASA's return to flight initiative.

Conference negotiations on H.R. 3093 broke down, however. In lieu of further action on that bill, congressional leaders opted to use the Department of State, Foreign Operations, and Related Appropriations bill, 2008 (H.R. 2764) as a vehicle for the CJS appropriations, as well as the other 10 remaining appropriations bills, in addition to emergency spending for military operations in Iraq and Afghanistan. On December 17-19, 2007, Congress completed action on H.R. 2764 through an exchange of amendments between the two chambers. The President signed H.R. 2764 into law on December 26, 2007 (P.L. 110-161). This report will not be updated.

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Most Recent Developments

On December 26, 2007, the President signed the Consolidated Appropriations Act, 2008 (H.R. 2764) into law (P.L. 110-161) as shown in **Table 1**. This act includes the FY2008 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill, as well as 10 other appropriations bills, in addition to emergency military funding for Iraq and Afghanistan. Congressional leaders opted to use the Department of State, Foreign Operations, and Related Appropriations bill, 2008 (H.R. 2764) as the legislative vehicle for the FY2008 omnibus spending measure. In an exchange of amendments between the Senate and House, Congress completed action on H.R. 2764 during December 17-19, 2007.¹ In P.L. 110-161, Congress has appropriated \$54.637 billion for the federal departments, bureaus, agencies, administrations, offices and activities funded under the CJS appropriations bill. Congress had previously passed continuing resolutions to fund those departments and agencies in the absence of the regular FY2008 CJS appropriation.²

Table 1. Legislative Status of CJS Appropriations

Subcommittee Markup		Senate Committee (S. 1745)	House Committee (H.R. 3093)	House Passage (H.R. 3093)	Senate Passage (H.R. 3093)	Consolidated Appropriations Act, 2008 (H.R. 2764)			Public Law
House	Senate					House Passage	Senate Passage	House Passage	
6/11/07	6/26/07	6/28/07 S.Rept. 110-124	7/12/07 H.Rept. 110-240	7/26/07	10/16/07	12/17/07	12/18/07	12/19/07	12/26/07 P.L. 110-161

Regarding the Consolidated Appropriations Act, 2008, Representative David Obey, chair of the House Appropriations Committee, had an explanatory statement on the FY2008 omnibus spending measure inserted into the December 17th *Congressional Record* that included detailed funding tables and additional information.³ In January 2008, the House Appropriations Committee issued a committee print on the Consolidated Appropriations Act, 2008, that includes legislative text and the explanatory statement (with some modifications) that was previously inserted into the *Congressional Record*.⁴

¹ For further information, see CRS Report RL34298, *Consolidated Appropriations Act for FY2008: Brief Overview*, by Robert Keith.

² For further information, see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streever.

³ For Commerce, Justice, Science, and Related Agencies, see *Congressional Record*, vol. 153, daily edition (December 17, 2007), pp. H15788-H15869.

⁴ *Consolidated Appropriations Act, 2008, Committee Print of the Committee on Appropriations, U.S. House of Representatives, on H.R. 2764/Public Law 110-161 [Legislative Text and Explanatory Statement], Book 1 of 2, Divisions A-F*, January 2008, 1,390 pp. Hereafter referred to as “*House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*.” Available at <http://www.gpoaccess.gov/congress/house/appropriations/08conappro.html>.

Overview of FY2008 CJS Appropriations Action

Table 2 shows funding levels for the departments and related agencies currently under the jurisdictions of the House and Senate CJS Appropriations Subcommittees for FY2007 enacted, FY2008 requested, FY2008 House-reported and -passed, FY2008 Senate-reported and -passed, and FY2008 enacted. Not shown in **Table 2** are enacted and proposed rescissions of “unobligated balances” and “prior year appropriations.” Those rescissions, however, are given below in summary **Table 11** at report’s end.

Consolidated Appropriations Act, 2008

In the Consolidated Appropriations Act, 2008 (P.L. 110-161), Congress has provided \$54.637 billion in CJS appropriations, a 3.4% increase over the FY2007 enacted level and a 2.2% increase over the Administration’s request.

- For the Department of Commerce, the act includes \$6.857 billion, or \$231.8 million more than the FY2007 enacted level (an increase of 3.5%) and \$260.7 million more than the President’s FY2008 request (an increase of 4.0%).
- For the Department of Justice, the act includes \$23.592 billion, or \$381.5 million more than the enacted FY2007 level (an increase of 1.6%) and \$1.244 billion more than the President’s FY2008 request (an increase of 5.6%).
- For science agencies, the act includes \$23.380 billion, or \$1.173 billion more than the enacted FY2007 level (an increase of 5.3%) but \$364.3 million less than the President’s FY2008 request (a decrease of 1.5%).
- For related agencies, the act includes \$808.8 million, or \$8 million more than the FY2007 enacted level (an increase of 1.0%) and \$46.2 million more than the President’s FY2008 request (an increase of 6.1%).

Table 2. CJS Appropriations by Department and Related Agencies, FY2007 Enacted, FY2008 Proposed, and FY2008 Enacted

(budget authority in millions of dollars)

Departments and Related Agencies	FY2007 Enacted ^a	FY2008 Request ^b	House-Reported	House-Passed	Senate-Reported	Senate-Passed	FY2008 Enacted
Department of Commerce	6,624.7	6,595.8	7,063.4	7,018.4	7,350.1	7,289.2	6,856.5
Department of Justice	23,210.4	22,347.9 ^b	23,929.2	23,974.2	24,312.0	24,492.8	23,591.9
Science Agencies	22,207.0	23,743.9	24,137.0	24,127.0	24,018.7	25,018.7 ^c	23,379.6 ^d
Related Agencies	800.7	762.5	845.7	845.7	899.7	899.7	808.8
Total	52,842.9	53,450.1^b	55,975.4	55,965.4^e	56,580.4	56,700.4^c	54,636.8^d

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; and for FY2008 enacted amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

- a. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- b. For the FY2008 request, the amounts in this table reflect a November 6, 2007, budget amendment submitted by the Administration that included an additional \$146 million in funding for cybersecurity and counterterrorism for the Department of Justice. The FY2008 request, however, does not include an additional \$146.7 million requested by the Administration in February 2008 for the Department of Justice as part of the FY2008 Global War on Terror Supplemental.
- c. The Senate-passed bill includes \$1 billion in emergency spending for NASA's return to flight initiative.
- d. The Consolidated Appropriations Act, 2008 (P.L. 110-161) includes \$285.5 million in emergency spending for the Department of Justice.
- e. This amount includes a \$10 million dollar reduction from the Department of Commerce's Departmental Management account, so that the FY2008 cap on obligations from the Crime Victims Fund could be increased by a like amount.

FY2008 Request

By comparison, **Table 2** shows that the Administration's FY2008 request included \$53.45 billion for the Departments of Commerce and Justice, certain science agencies, and related agencies, or about a 1.1% increase over amounts appropriated by Congress for FY2007.⁵ The requested appropriation included \$6.596 billion for the Department of Commerce (a 0.4% decrease compared to the FY2007 enacted level), \$22.348 billion for the Department of Justice (a 3.7% decrease), \$23.744 billion for science agencies (a 6.9% increase), and \$762.5 million for related agencies (a 4.8% decrease). In addition to these amounts, in February 2008, the Administration has requested another \$146.7 million for Justice as part of the FY2008 Global War on Terror Supplemental.⁶

House Action

The House Appropriations Committee ordered reported an FY2008 CJS appropriations bill (H.R. 3093) on July 12, 2007. The reported bill included \$55.975 billion for FY2008, or \$3.132 billion more than the FY2007 enacted level, and \$2.621 billion more than the FY2007 request. The House passed H.R. 3093 (amended) on July 26, 2007. The House-passed bill included \$10 million less than the reported bill, but it also included a provision that would have increased the amounts available for obligation under the Crime Victims Fund by a like amount.⁷

Table 2 shows that the House-passed bill would have provided \$55.965 billion in FY2008 funding for the departments, bureaus, agencies, administrations, commissions, and offices under the CJS Appropriations Subcommittee's jurisdiction. By comparison, the House bill would have

⁵ On November 6, 2007, the Administration amended its FY2008 request for the Department of Justice. The amendment would provide additional funding for the Federal Bureau of Investigation (\$93.5 million for cybersecurity and counterterrorism) and the Drug Enforcement Administration (\$2 million for counterterrorism). Executive Office of the President, Office of Management and Budget, *FY2008 Budget Amendments: Departments of Homeland Security and Justice (Cybersecurity and Terrorism)*, November 6, 2007, at http://www.whitehouse.gov/omb/budget/amendments/amendment_11_6_07.pdf.

⁶ Executive Office of the President, Office of Management and Budget, *Fiscal Year 2009 Budget of the U.S. Government Appendix*, pp. 1261-1263.

⁷ For FY2008, the House-passed bill would have increased the amounts authorized to be obligated from Victims of Crime (VOC) Fund by \$10 million, bringing total authorized obligations for that fund to \$635 million. The VOC program was established in 1988 by an amendment to the 1984 Victims of Crime Act. The program provides a variety of grants designed to provide compensation and assistance to crime victims. While the program is funded through the Crime Victims Fund (CVF) and not through an annual appropriation, Congress establishes an annual cap on the amount that will be available for obligation under the program during the upcoming fiscal year in the DOJ appropriation bill.

provided a 5.9% increase over the FY2007 enacted level, and a 4.7% increase over the Administration's FY2008 request, but \$1.1% less than the Senate mark.

- For the Department of Commerce, the House-passed bill would have provided \$7.018 billion, or \$393.7 million more than the FY2007 enacted level (an increase of 5.9%) and \$422.6 million more than the FY2008 request (an increase of 6.4%).
- For the Department of Justice, the House-passed bill would have provided \$23.974 billion, or \$763.8 million more than the FY2007 enacted level (an increase of 3.3%) and \$1.626 billion more than the FY2008 request (an increase of 7.3%).
- For science agencies, the House-passed bill would have provided \$24.127 billion, or \$1.92 billion more than the FY2008 enacted level (an increase of 8.6%) and \$383.1 million more than the FY2008 request (an increase of 1.6%).
- For related agencies, the House-passed bill would have provided \$845.7 million, or \$44.9 million more than the FY2007 enacted level (an increase of 5.6%) and \$83.2 million more than the FY2008 request (an increase of 10.9%).

Senate Action

The Senate Appropriations Committee reported an FY2008 CJS appropriations bill (S. 1745; S.Rept. 110-124) on June 29, 2007. The Senate-reported bill included \$56.58 billion for FY2008 for CJS departments and agencies, \$3.738 billion more than the FY2007 enacted level of \$52.843 billion and \$3.226 billion more than the FY2008 request of \$53.45 billion.

The Senate amended the House-passed bill (H.R. 3093) with the text of S. 1745, amended that language during three days of consideration, and passed H.R. 3093 on October 16, 2007. The Senate-passed bill would have provided \$57.7 billion for FY2008, or \$4.858 billion more than the FY2007 enacted level and \$4.346 billion more than the Administration's FY2008 request. The Senate-passed amount included \$1 billion in emergency funding for National Aeronautics and Space Administration's (NASA's) return to flight initiative.

In addition, the Senate-passed bill was amended to include a provision that would have exempted certain returning H-2B (foreign temporary nonagricultural) workers from the H-2B annual cap of 66,000 visas.⁸ The provision would have exempted from the FY2008 H-2B visa cap aliens who had been present in the United States as H-2B nonimmigrants in any one of the previous three fiscal years. The House-passed bill included no similar provision.⁹

Table 2 shows that the Senate-passed version of H.R. 3093 would have provided \$56.7 billion in FY2008 CJS appropriations. This amount included \$1 billion in emergency funding for NASA's return to flight initiative. The Senate bill would have provided a 7.3% increase over the FY2007 enacted level and a 6.1% increase over the Administration's request.

- For the Department of Commerce, the Senate-passed bill included \$7.289 billion, or \$664.5 million more than the FY2007 enacted level (an increase of 10.0%) and \$693.4 million more than the President's FY2008 request (an increase of 10.5%) .

⁸ Senator Barbara Mikulski, Chair of the Senate Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee offered the amendment that added this provision (§540) to H.R. 3093. See S.Amdt. 3311, *Congressional Record*, daily edition, vol. 153 (October 16, 2007), pp. S12913-14.

⁹ See CRS Report RL34204, *Immigration Legislation and Issues in the 110th Congress*, coordinated by Andorra Bruno.

- For the Department of Justice, the Senate-passed bill included \$24.493 billion, or \$1.282 billion more than the enacted FY2007 level (an increase of 5.5%) and \$2.145 billion more than the President's FY2008 request (an increase of 9.6%).
- For science agencies, the Senate-passed bill included \$25.019 billion, or \$2.812 billion more than the enacted FY2007 level (an increase of 12.7%) and \$1.275 billion more than the President's FY2008 request (an increase of 5.4%).
- For related agencies, the Senate-passed bill included \$899.7 million, or \$99 million more than the FY2007 enacted level (an increase of 12.4%) and \$137.2 million more than the President's FY2008 request (an increase of 18.0%).

Cancelled Conference Meeting

In late November 2007, a conference meeting on H.R. 3093 was cancelled over objections to language included in the Senate-passed bill that would have prohibited the Equal Employment Opportunity Commission from using funding appropriated under this bill to initiate or participate in a civil action against any employer who requires an employee to speak English while at work.¹⁰ Although the House passed a motion to instruct conferees to include this language in the conference agreement, some members of the Congressional Hispanic Conference reportedly opposed this restriction.¹¹ It was also reported that the H-2B visa cap exemption would not be included in the conference version of H.R. 3093.¹² Because of these and possibly other objections, however, no further action was taken on this bill. As described above, congressional leaders opted to use H.R. 2764 as the legislative vehicle for the Consolidated Appropriations Act, 2008 (P.L. 110-161).

Revised FY2008 CJS Subcommittee Jurisdiction

Appropriations bills reflect the jurisdiction of the subcommittees of the House and Senate Appropriations Committees in which they are considered.¹³ In the 110th Congress, the House and Senate committees have created parallel jurisdictions for the Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Subcommittees. This was not the case in the 109th Congress, however. In that Congress, both the House and Senate Appropriations Committees transferred, from what had previously been the Commerce, Justice, State, the Judiciary, and Related Agencies (also abbreviated CJS) Appropriations Subcommittee, jurisdiction for the Judiciary to the Transportation and HUD Appropriations Subcommittees.¹⁴

In addition, certain "science" agency appropriations were transferred to the former CJS subcommittees. Those science agencies included the White House's Office of Science and Technology Policy (OSTP), the National Aeronautics and Space Administration (NASA), and National Science Foundation (NSF). In the Senate, moreover, jurisdiction for the Department of

¹⁰ Keith Perine, "Hispanic Caucus Halts Conference on C-J-S Bill Over Workplace Provision," *CQ Weekly Report*, November 19, 2007, p. 3485.

¹¹ Ibid.

¹² Ibid.

¹³ For further information, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920-2007*, by James V. Saturno.

¹⁴ In the 109th Congress, the full name of this subcommittee was the Subcommittee on Transportation, Treasury, The Judiciary, and Housing and Urban Development. In the 110th Congress, jurisdiction for the Judiciary was placed under the Subcommittee on Financial Services and General Government, which also includes jurisdiction for the Department of the Treasury, the District of Columbia, the Executive Office of the President, and several independent agencies.

State was transferred to the Foreign Operations Appropriations Subcommittee. In the House, however, it remained under the jurisdiction of the former CJS subcommittee, renamed the Science, State, Justice, Commerce, and Related Agencies (SSJC) Appropriations Subcommittee.

Synopsis of FY2007 Appropriations

On February 15, 2007, Congress passed the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), in which FY2007 funding was provided for those agencies that had not yet received a permanent appropriation.¹⁵ While this law funded certain CJS departments, agencies, administrations, and offices with specific appropriations, most others were funded by extending their FY2006 budget through FY2007 (subject to rescissions in some cases).¹⁶ In addition, on May 24, 2007, Congress passed the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28), which included supplemental funding for some, but not all of the agencies for which the CJS Appropriations Subcommittees have jurisdiction. For FY2007, **Table 2** shows that Congress has provided \$52.843 billion in CJS appropriations. That amount is \$2.402 billion more than the previous year (\$50.441 billion), or an increase of 4.8%.

Departmental Funding Trends, FY2002-FY2008

Table 3 shows funding trends for the major agencies in CJS appropriations over the six-year period FY2002-FY2008, including supplemental appropriations. Funding for the Department of Commerce increased by 14.1% from FY2002 through FY2005. Due to rescissions, it decreased by 1.9% for FY2006, but increased by 3.1% for FY2007 and 3.5% for FY2008. Funding for the Department of Justice decreased 17.1% from FY2002 to FY2003. This decrease largely reflects the transfer of the former Immigration and Naturalization Service to the newly formed Department of Homeland Security. Justice funding has increased by 20.1% from FY2003 to FY2008. Funding for the science agencies has gradually increased by 15.8% from FY2002 to FY2006, decreased by 2.7% for FY2007, and increased by 5.3% for FY2008.

Table 3. Funding for Departments of Commerce and Justice, and Science Agencies
(billions in current dollars)

Department/Agencies	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007 ^a	FY2008
Department of Commerce	5.739	5.796	5.943	6.550	6.426	6.625	6.857
Department of Justice	23.707	19.648	19.850	21.000	21.404	23.210	23.592
Science Agencies ^b	19.710	20.600	20.960	21.676	22.833	22.207	23.380

Source: Funding totals provided by the U.S. House of Representatives, Committee on Appropriations.

Note: Amounts may not total due to rounding.

¹⁵ The full-year continuing resolution followed three temporary continuing resolutions (H.R. 5361/P.L. 109-289, effective through November 17, 2006; H.J.Res. 100, effective through December 8, 2006; H.J.Res. 102, effective through February 15, 2007).

¹⁶ The House passed a Science, State, Justice, Commerce, and Related Agencies (SSJC) appropriation bill (H.R. 5672; H.Rept. 109-520) on June 29, 2006. The Senate Appropriations Committee reported a Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill (H.R. 5672; S.Rept. 109-280) on July 11. In addition, the Senate Appropriations Committee reported a State, Foreign Operations, and Related Agencies appropriations bill (H.R. 5522; S.Rept. 109-277) on July 10. This Senate version of H.R. 5522 included funding for the Department of State and related agencies. As described above, final funding was provided under the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5).

- a. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5) and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- b. Before FY2006, science agencies (OSTP, NASA, and NSF) were funded in the VA/HUD appropriations bill.

Survey of Selected Issues

Department of Commerce

A number of key issues relating to the diverse collection of responsibilities in the Department of Commerce may be considered during the deliberations of the FY2008 budget. The Department's trade and technology programs may be focal points in discussions of export promotion in part because the deficit in the U.S. current account has nearly doubled from \$98.8 billion in January 2000 to \$192.6 billion in January 2007. The constitutional requirement to redistrict the House of Representatives in 2010 involves increased preparations for the upcoming census. The anniversary of hurricanes Katrina and Rita may draw attention to the Department's weather and ocean-stewardship programs. Some selected, key issues affecting funding priorities included the following:

- proposed increases in funds for the Census Bureau to prepare for the 2010 Census;
- the ability of U.S. trade agencies and PTO to fight intellectual property infringement abroad;
- the efficacy of U.S. trade agency enforcement of U.S. trade remedy laws against unfair foreign competition;
- for the third consecutive year, the Administration included in its budget request a proposal that would revamp some of the programs administered by the Department of Commerce by consolidating the activities currently funded under the Economic Development Administration's Public Works, Technical Assistance, Research and Evaluation, Economic Adjustment Assistance and Defense Economic Adjustment Assistance programs under a Regional Development Administration (RDA);
- proposals to limit the access that the U.S. Patent and Trademark Office has to the fees it collects each fiscal year;
- funding of the Advanced Technology Program, whereby the federal government invests in applied research activities of private entities;
- proposals to fund all of National Oceanic and Atmospheric Administration (NOAA) programs under a single authorizing law, an Organic Act;
- funding levels for NOAA satellite programs, ocean and coastal research-related projects, and Tsunami research systems; and
- implementation of the American Competitiveness Initiative, announced in February 2006, intending to provide \$50 billion in research and \$86 billion in research tax incentives over 10 years across several Commerce and related agencies, to increase U.S. leadership in technological research, development, and education.

Department of Justice

Several issues were in play during consideration of the FY2008 DOJ appropriations. They included the following.

- During the past few Congresses, the appropriation for the Bureau of Alcohol, Tobacco, Firearms and Explosives has included language that prohibits ATF from sharing federal gun-trace data with state and local law enforcement agencies except under limited circumstances. Modified language was included in the Consolidated Appropriations Act, 2008 (P.L. 110-161).
- Declining levels of federal funding for state, local, and tribal law enforcement assistance continued to be an important concern for many in the Congress, particularly in light of recent upticks in violent crime rates. As has been the case for the last several years, the Administration's budget request included proposals to significantly reduce funding for state, local, and tribal law enforcement assistance programs, and consolidate most of the targeted grant programs into a single, multi-purpose, competitive grant with a significantly lower funding level. Congress rejected the Administration's proposals to consolidate those grant programs and further reduce funding for state and local law enforcement assistance grants.
- DEA was under an FY2007 hiring freeze and the Administration proposed further reductions in the number of agents. For FY2008, Congress rejected the Administration's proposal to reduce "hollow" DEA positions and provided additional funding to lift the hiring freeze and restore DEA's ability to support state and local law enforcement in the fight against drugs.¹⁷

Science Agencies

Key issues were as follows:

- President Bush's "Vision for Space Exploration" and its consequent reprioritization of NASA programs, and potential personnel cuts (especially in aeronautics research);
- Whether to use the space shuttle to service the Hubble Space Telescope; and
- Funds for programs to research and address global warming, including a new study by the National Science Foundation and improved data collection by National Polar-Orbiting Operational Environmental Satellite System (NPOESS).

Department of Commerce

The origin of the Department of Commerce dates back to 1903 with the establishment of the Department of Commerce and Labor (32 Stat. 825). The separate Department of Commerce was established on March 4, 1913 (37 Stat. 7365; 15 U.S.C. 1501). The department's responsibilities are numerous and quite varied, but its activities center on five basic missions: (1) promoting the development of U.S. business and increasing foreign trade; (2) improving the nation's technological competitiveness; (3) encouraging economic development; (4) fostering

¹⁷ *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*, p. 256.

environmental stewardship and assessment; and (5) compiling, analyzing, and disseminating statistical information on the U.S. economy and population.

The following agencies within the Commerce Department carry out these missions:

- *International Trade Administration (ITA)* seeks to develop the export potential of U.S. firms and to improve the trade performance of U.S. industry;
- *Bureau of Industry and Security* (formerly the Bureau of Export Administration) enforces U.S. export laws consistent with national security, foreign policy, and short-supply objectives;
- *Economic Development Administration (EDA)* provides grants for economic development projects in economically distressed communities and regions;
- *Minority Business Development Agency (MBDA)* seeks to promote private and public sector investment in minority businesses;
- *Economic and Statistical Analysis Programs* provide: (1) timely information on the state of the economy through preparation, development, and interpretation of economic data; and (2) analytical support to department officials in meeting their policy responsibilities. Much of this analysis is conducted by the Bureau of Economic Analysis (BEA);
- *Bureau of the Census* collects, compiles, and publishes a broad range of economic, demographic, and social data;
- *National Telecommunications and Information Administration (NTIA)* advises the President on domestic and international communications policy, manages the federal government's use of the radio frequency spectrum, and performs research in telecommunications sciences;
- *Patent and Trademark Office (PTO)* examines and approves applications for patents for claimed inventions and registration of trademarks;
- *Technology Administration*, through the Office of Technology Policy, advocates integrated policies that seek to maximize the impact of technology on economic growth, conducts technology development and deployment programs, and disseminates technological information;
- *National Institute of Standards and Technology (NIST)* assists industry in developing technology to improve product quality, modernize manufacturing processes, ensure product reliability, and facilitate rapid commercialization of products based on new scientific discoveries; and
- *National Oceanic and Atmospheric Administration (NOAA)* provides scientific, technical, and management expertise to (1) promote safe and efficient marine and air navigation; (2) assess the health of coastal and marine resources; (3) monitor and predict the coastal, ocean, and global environments (including weather forecasting); and (4) protect and manage the nation's coastal resources.

As **Table 4** shows, the FY2008 enacted appropriation (P.L. 110-161) included \$6.856 billion for the Department of Commerce, which was \$231 million more than the FY2007 appropriation of \$6.625 billion, a 3.5% increase. FY2008 enacted amount was 3.9% more than the President's request of \$6.596. The President's request had represented a decrease of \$29.0 million, or 0.4%, from the FY2007 appropriation for the department. By comparison, the Senate had passed (S. 1745) a total of \$7.289 billion for FY2008, or \$664.5 million more than the FY2007 enacted level and \$693.4 million more than the President's FY2008 request. The House had passed (H.R. 3093) a total of \$7.018 billion for FY2008, or \$393.7 million more than the FY2007 enacted level,

\$422.6 million above the President's FY2008 request, although \$270.8 million less than the Senate.¹⁸

Table 4. Funding for the Department of Commerce

(budget authority in millions of dollars)

Bureau or Agency	FY2007 Enacted ^a	FY2008 Request	House-Passed	Senate-Passed	FY2008 Enacted
International Trade Administration ^b	395.6	412.4	422.4	417.4	405.2
Bureau of Industry and Security	75.4	78.8	78.8	78.8	72.9
Economic Development Administration	280.6	202.8	302.8	282.8	279.9
Minority Business Development Agency	29.7	28.7	31.2	30.2	28.6
Economic and Statistical Analysis	79.8	85.0	86.5	85.0	81.1
Bureau of the Census	893.0	1,230.2	1,222.2	1,246.6	1,230.2
National Telecommunications and Information Administration	39.8	18.6 ^c	45.3	48.6	36.3
Patent and Trademark Office ^d	(1,771.0)	(1,915.5)	(1,915.5)	(1,915.5)	(1,915.5)
Technology Administration	2.0	1.6	1.0	0.0	0.0
National Institute of Standards and Technology	676.9	640.7	831.2	832.2	755.8
National Oceanic and Atmospheric Administration	4,078.3	3,809.6	3,950.5	4,184.9	3,896.4
Departmental Management	73.7	87.4	46.5	82.7	70.0
Total: Department of Commerce	6,624.7	6,595.8	7,018.4	7,289.2	6,856.5

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; and for FY2008 enacted amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

- The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- Total funding for ITA may be higher than these amounts due to retained fees.
- Does not include \$45 million in mandatory spending from the Digital Transition and Safety Public Fund.
- The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected, but not obligated during the current year are available for obligation in the following fiscal year and do not count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals.

¹⁸ The Administration's FY2008 budget request proposed a rescission of nearly \$49 million from the emergency steel guaranteed loan program. Neither the Senate nor the House included the requested \$49 million rescission for the emergency steel guaranteed loan program. Instead, the Senate recommended rescinding \$10 million for industrial technology services and the House recommended a \$42 million Department-wide rescission.

International Trade Administration (ITA)¹⁹

ITA's mission is to improve U.S. prosperity by strengthening the competitiveness of U.S. industry, promoting trade and investment, and ensuring fair trade and compliance with trade laws and agreements. ITA strives to accomplish this through the Executive and Administrative Directorate and the following four policy units: (1) Manufacturing and Services Unit, responsible for certain industry analysis functions, and promoting the competitiveness and expansion of the U.S. manufacturing sector; (2) Market Access and Compliance Unit, responsible for monitoring foreign country compliance with trade agreements, identifying compliance problems and market access obstacles, and informing U.S. firms of foreign business practices and opportunities; (3) Import Administration Unit, responsible for administering the trade remedy laws of the United States; (4) Trade Promotion/U.S. Foreign Commercial Service program, responsible for conducting trade promotion programs, providing U.S. companies with export assistance services, and leading interagency advocacy efforts for major overseas projects; and (5) the Executive and Administrative Directorate, responsible for providing policy leadership, information technology support, and administration services for all of ITA.

The FY2008 enacted appropriation for ITA is \$413.2 million. This amount includes \$405.2 million in a direct appropriation and \$8 million in anticipated fee receipts. The direct appropriation is \$9.6 million more than the FY2007 enacted level of \$395.6 million and \$6.8 million less than the Administration's request of \$412.4 million. The amount for ITA's FY2008 anticipated fee collections was \$5 million less than the Administration's request. The President's FY2008 request for ITA was \$412.4 million, a \$16.8 million (4.2%) increase over the FY2007 funding level of \$395.6 million. The request anticipated the collection of \$13 million in fees, raising available funds to \$425.4 million. The Senate passed the committee-recommended \$417.4 million for ITA, \$21.8 million more than the FY2007 enacted level, and \$5 million more than the budget request. The Senate recommendation also anticipated the collection of \$8 million in fees, \$5 million less than the budget request, which would raise available budget authority to \$425.4 million. The House passed the committee-recommended \$422.4 million, \$26.8 million more than the FY2007 enacted level, and \$10 million more than the budget request. The House recommendation anticipated the collection of \$8 million in fees as well, the same as the Senate amount and \$5 million less than the budget request, which would have raised available budget authority to \$430.4 million.

Bureau of Industry and Security (BIS)²⁰

The BIS administers export controls on dual-use goods and technology through its licensing and enforcement functions. It cooperates with other nations on export control policy and provides assistance to the U.S. business community to comply with U.S. and multilateral export controls. It also administers U.S. anti-boycott statutes, and it is charged with monitoring the U.S. defense industrial base. Authorization for the activities of BIS, the Export Administration Act (50 U.S.C. 2401, *et seq.*), expired in August 2001. On August 17, 2001, President Bush invoked the authorities granted by the International Economic Emergency Powers Act (50 U.S.C. 1703(b)) to continue in effect the system of controls contained in the act and by the Export Administration Regulations (15 C.F.R., Parts 730-799) and has renewed that authority yearly.

¹⁹ The sections on ITA, USTR, and ITC were written by M. Angeles Villarreal, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

²⁰ This section was written by Ian F. Fergusson, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

The FY2008 enacted appropriation (P.L. 110-161) is \$72.9 million, which is \$2.5 million less than the FY2007 enacted amount and \$5.9 million less than the administration request. The President's FY2008 request for BIS was \$78.8 million, a 4.5% increase from the FY2007 enacted funding level of \$75.4 million. The FY2008 funding request for BIS was divided between licensing activity (\$39.0 million), enforcement activities (\$34.1 million), and management and policy coordination (\$5.7 million). Of these amounts, \$14.8 million was requested for Chemical Weapons Convention (CWC) enforcement. The FY2008 request also included a proposal to consolidate the contract management functions of the Export Control and Border Assistance Programs in the Department of State, which provides the funds for these activities. The BIS envisioned a reduction of its management and policy coordination budget by \$955 thousand by this action. Both the House and Senate Appropriations Committees recommended the same level of funding for FY2008 as the President's request, \$78.8 million, and both the House and the Senate approved the committees' recommendations of \$78.8 million.

Economic Development Administration (EDA)²¹

The EDA was established under the Public Works and Economic Development Act of 1965, as amended.²² The EDA's mission is to assist communities and regions generate new jobs and help retain existing jobs by stimulating industrial and commercial growth in economically distressed areas. EDA assistance emphasizes the needs of urban areas with high unemployment, low income, or other severe conditions of economic distress.

For the third consecutive year, Congress has rejected Administration proposals to consolidate EDA assistance programs and reduce funding for those programs. In the Consolidated Appropriations Act, 2008 (P.L. 110-161), Congress appropriated \$279.9 million for EDA, providing \$30.8 for salaries and expenses and \$249.1 million for assistance programs. The latter amount includes

- \$148.2 million for public works grants;
- \$42.3 million for economic adjustment assistance;
- \$25.5 million for planning assistance;
- \$14.1 for trade adjustment assistance;
- \$9.4 million for technical assistance;
- \$470 thousand for research; and
- \$9.4 million (the House bill included \$10 million) for the new Global Climate Change Mitigation Incentive Fund (GCCMIF).²³

The enacted amount of \$249.1 million for EDA assistance programs is \$79.1 million more than the Administration's FY2008 request, but \$1.6 million less than the FY2007 appropriation. By comparison, the House-passed bill would have provided \$20.9 million more than the FY2008 appropriation, and the Senate-passed bill, \$900 thousand more. The \$30.8 million for salaries and

²¹ This section was prepared by Eugene Boyd, Analyst in American National Government, Government and Finance Division.

²² 42 U.S.C. § 3121.

²³ *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*, p. 227.

expenses is \$2 million less than requested by the Administration or recommended by the House and the Senate.

The explanatory statement accompanying the Consolidated Appropriations Act directs EDA to distribute all economic development assistance program funds to the six regional offices within 30 days after enactment of this act.²⁴ This directive reflects concerns raised during last year's appropriations cycle about Administration efforts to consolidate or eliminate a number of regional offices. Last year, during its consideration of FY2007 EDA funding, the House Appropriations Committee included similar report language that directed EDA to maintain all six regional offices in response to concerns that EDA was considering eliminating three of the six offices.²⁵ This year, similar concerns were raised in the report accompanying the Senate-approved bill. In addition, the explanatory statement accompanying the act directed EDA to give greater consideration to projects that (1) diversify the local and regional economies; (2) support the development of new regional economic drivers and emerging industry clusters; (3) advance innovation, entrepreneurship and technology transfer; and (4) encourage the commercialization of university-led research and development.²⁶ The explanatory statement, however, does not include Senate report language that would have directed the department to undertake a study of the impact of the 2005 hurricanes on industry clusters in the Gulf Coast region.²⁷

For FY2008, the Administration requested \$202.8 million for EDA: \$32.8 million for salaries and expenses and \$170 million for a proposed Regional Development Account (RDA), under which EDA's public works grant, economic adjustment and defense economic adjustment assistance, planning assistance, technical assistance, and research and evaluation programs would have been consolidated. The Administration's request of \$170 million for EDA assistance programs was \$80.7 million less than the FY2007 appropriation of \$250.7 for those programs.

The Administration maintained that the proposed RDA program consolidation would have created a streamlined application process allowing EDA grantees, including economic development districts and universities and colleges, to promote comprehensive strategies in support of regional economic development efforts in distressed rural communities. In addition, the Administration's proposal would have eliminated EDA's Office of Strategic Initiatives and created an Office of Regional Affairs (ORA), that would have been charged with administering the new RDA program and would have included EDA's six regional offices, possibly leading to their consolidation.

For FY2008, the Senate-approved bill would have provided \$282.8 million for EDA: \$32.8 million for salaries and expenses and \$250 million for assistance programs. The latter amount would have provided

- \$154 million for public works grants;
- \$45 million for economic adjustment grants;
- \$27 million for planning assistance;
- \$15 million for trade adjustment assistance;
- \$8.5 million for technical assistance; and

²⁴ Ibid.

²⁵ H.Rept. 109-520 (H.R. 5672), p. 74.

²⁶ *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), p. 228.

²⁷ S.Rept. 110-123 (S. 1745), pp. 14-15.

- \$500 thousand for research and evaluation activities.²⁸

The Senate-approved appropriation level of \$250 million for EDA programs was \$80 million more than requested by the Administration, but \$700 thousand less than appropriated for FY2007.

For FY2008, the Senate Appropriations Committee report included language rejecting the Administration's RDA proposal.²⁹ In addition, Senate report language expressed concern about the distribution of EDA funds among the six regional offices. The Senate report also included language that directed the Administration to disperse FY2008 funding to the six regional offices in accordance with the funding levels for each account. It also included a requirement that EDA notify the Senate Appropriations Committee in writing when all grant funds had been distributed to regional offices in order to monitor compliance with this directive.

For FY2008, the House-passed bill would have provided \$302.8 million for EDA: \$32.8 million for salaries and expenses and \$270 million for assistance programs. The latter amount would have provided

- \$160 million for public works grants;
- \$49 million for economic adjustment grants;
- \$27 million for planning assistance;
- \$13.5 million for trade adjustment assistance;
- \$10 million for technical assistance;
- \$500 thousand for research and evaluation activities; and
- \$10 million for a new initiative GCCMIF.³⁰

The House-approved funding level of \$270.0 million for EDA assistance programs was \$20 million more than recommended by the Senate (S. 1745), \$100 million more than requested by the Administration, and \$19.3 million more than appropriated in FY2007. The House bill, as with its Senate counterpart and the Administration's request, recommended \$32.8 million for salaries and expenses.

As with its Senate counterpart, the House report included language rejecting the Administration's RDA consolidation proposal. The House bill also included a new initiative (GCCMIF) that would fund projects that incorporate mitigation strategies and technologies that promote sustainable resource conservation and reduce energy consumption and harmful gas emissions. The House bill also directed EDA to develop criteria to evaluate GCCMIF applications within 90 days of enactment of the act. This directive was included in the explanatory statement accompanying P.L. 110-161.³¹

²⁸ Ibid., p. 15.

²⁹ Ibid. During consideration of the 2007 appropriations, the Senate committee also included report language rejecting the Administration's RDA proposal.

³⁰ H.Rept. 110-240 (H.R. 3093), p. 13.

³¹ *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*, p. 227.

Minority Business Development Agency (MBDA)³²

The MBDA, established by Executive Order 11625 on October 13, 1971,³³ is charged with the lead role in coordinating all the federal government's minority business programs. As part of its strategic plan, the MBDA seeks to develop a more industry-focused, data-driven technical assistance approach to give minority business owners the tools essential for becoming first or second tier suppliers to private corporations and the federal government in the new procurement environment. Progress will be measured in relation to entrepreneurial parity and strategic growth through increased gross receipts, number of employees, and size and scale of firms associated with minority business enterprise.

The FY2008 enacted appropriation (P.L. 110-161) is \$28.6 million, which is \$1.1 million less than the FY2007 enacted amount and \$0.1 million less than the President's request. For FY2008, the President's budget had requested \$28.7 million for the MBDA, which was a 3.4% decrease from the FY2007 appropriation of \$29.7 million. The Senate had passed its committee-recommended \$30.2 million for FY2008, which was \$0.5 million more than the FY2007 enacted amount and \$1.5 million more than the President's request. The House-passed bill included \$31.2 million for FY2008. Both the Senate and House had made specific reference to keeping funds available to maintain current Native American Business Development Centers.

Economic and Statistical Analysis (ESA)³⁴

Economic and Statistical Analysis (ESA) provides economic data, analysis, and forecasts to government agencies and, where appropriate, to the public. ESA includes the Census Bureau (discussed separately), the Bureau of Economic Analysis (BEA), and STAT-USA. The ESA has three core missions: (1) compile a system of economic data; (2) interpret and communicate the forces at work in the economy; and (3) support the information and analytical needs of the executive branch.

The FY2008 enacted appropriation (P.L. 110-161) is \$81.1 million, excluding Census. The President's non-Census FY2008 request for ESA was \$85.0 million, a 6.5% increase over the comparable FY2007 enacted figure of \$79.8 million. The Senate passed the same funding amount for ESA as the President's request, \$85.0 million. The Senate included an amendment by Senator Harry Reid (S.Amdt. 3225, agreed to by voice vote), which required \$950 thousand of the appropriated funds to be used to contract with the National Academy of Sciences to conduct a study to see if the economic data currently being collected accurately reflect the economic condition of the United States.³⁵ The House committee recommended \$86.5 million, which included an additional \$1.5 million to expand and improve regional datasets that benefit state and local officials and economic development organizations. The House passed its committee's recommendation of \$86.5 million.

The Bureau of Economic Analysis (BEA) accounted for \$81 million of the \$85 million FY2008 administration request for Economic and Statistical Analysis. The BEA comprises four core programs, each of which supports other agencies and policymakers. The National Economic Accounts support federal budget projections and macroeconomic policy. Balance-of-Payments data are required by international agreements on exchange rates. Regional data are used to

³² This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

³³ 36 FR 19967, 3 CFR, 1971-1975 Comp., p. 616.

³⁴ This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

³⁵ *Congressional Record*, daily edition, (October 15, 2007), p. S12840.

allocate federal funds and state budget forecasts. Industry accounts are used to compile the other datasets and also by the Bureau of Labor Statistics for the Producer Price Index.

Bureau of the Census³⁶

The Bureau of the Census, established as a permanent office on March 6, 1902 (32 Stat. 51), is authorized by the Constitution (Article I, Section 2, clause 3, as modified by Section 2 of the 14th Amendment) to conduct a census of population every 10 years, and by Title 13 U.S.C. to collect and compile a wide variety of other demographic, economic, housing, and governmental data.

Under the Consolidated Appropriations Act, 2008 (P.L. 110-161), the Census Bureau is to receive the Administration's requested \$1.230 billion, including \$202.8 million for salaries and expenses and \$1.027 billion for periodic programs. By comparison, the FY2007 enacted amounts were \$196.6 million for salaries and expenses, and \$696.4 million for periodic programs, totaling \$893 million for the Bureau as a whole.

The large difference (+\$337.2 million) between the FY2008 and FY2007 enacted amounts for the Bureau largely reflects heightened preparations, or the "ramp up," for the 2010 census. About 78%, or \$797 million, of the periodic programs account was for these activities. In FY2008, the Bureau will conduct a dress rehearsal to test all aspects of 2010 operations. The Bureau also will improve its geographic database—essential for getting census questionnaires to the right addresses—by correcting and aligning information on street locations with Global Positioning System coordinates. The re-engineered 2010 census will consist of a short form to collect data from all households for, among other purposes, House reapportionment and within-state redistricting. In addition, the American Community Survey (ACS), which the Bureau will continue to implement fully, nationwide, in FY2008, will replace the census long form in 2010 and will provide detailed demographic data annually to meet various legislative and programmatic requirements.

Highlights of the congressional deliberations on the Bureau's FY2008 appropriations follow below.

The House Appropriations Committee recommended an FY2008 amount of \$1.232 billion for the Bureau. The recommendation for salaries and expenses was \$196.8 million. Regarding this account, the committee instructed the Bureau to discontinue work on its proposed Dynamics of Economic Well-being Survey (DEWS)—which was to have replaced the longitudinal Survey of Income and Program Participation (SIPP)—and direct its efforts toward restoring SIPP. The Bureau made this change ahead of the committee's instruction. For periodic programs, the committee recommended \$1.035 billion, with the stipulation that the Bureau continue to include "some other race" as a category when collecting census data on racial identification.

During House consideration of H.R. 3093, Representative Shelley Moore Capito offered an amendment (agreed to 229-196, Roll Call No. 722) to reduce funding for the Bureau's FY2008 periodic programs account by \$10 million from the Committee-recommended \$1.035 billion and increase, by \$10 million, funding for the Justice Department's Southwest Border Prosecutor Initiative.³⁷ The House thus approved \$1.222 billion, not the committee-recommended \$1.232 billion, for the Bureau. The reduction, according to Commerce, Justice, and Science Appropriations Subcommittee Chairman Mollohan, "would eliminate the current Industrial

³⁶ This section was written by Jennifer D. Williams, Specialist in American National Government, Government and Finance Division.

³⁷ See H.Amdt. 645, *Congressional Record*, daily edition, vol. 153 (July 25, 2007), pp. H8435-8437, H8463-8464.

Reports Program”; “would eliminate the quarterly financial reports which are the government’s most current and comprehensive reports on corporate financial activity”; and “would eliminate the Survey of Business Owners and Self-Employed Persons....”³⁸

Of the Senate Appropriations Committee’s recommended \$1.246 billion for the Bureau in FY2008, the salaries and expenses account was to receive \$226.2 million and periodic programs, \$1.020 billion. In discussing salaries and expenses, the committee expressed concern about the Bureau’s attempt to phase out SIPP and replace it with DEWS, a switch that would have been associated with, in the Committee’s words, a “lack of continuity of poverty measures.” The Committee, “aware that the Census Bureau has decided not to initiate DEWS, but to return to the SIPP,” recommended an additional \$26 million that, combined with \$15.9 million “in funds from DEWS,” was to fund a SIPP sample size of 45,000 in 25 states.³⁹

The full Senate approved the committee-recommended amounts for salaries and expenses, and periodic programs. These amounts were, respectively, \$29.4 million more and \$5 million less than those passed by the House. The Senate also approved, by voice vote, an amendment by Senator Richard Shelby to prevent \$10 million of the Commerce Department’s FY2008 appropriations from becoming available for obligation until, among other matters:

the Secretary, within 120 days of ... enactment ..., shall provide a report to Congress that is publicly available on the Bureau’s website on the steps that the ... Bureau will take to allow citizens the opportunity to complete the decennial census and the American Community Survey over the Internet.⁴⁰

National Telecommunications and Information Administration⁴¹

The National Telecommunications and Information Administration (NTIA) is the executive branch’s principal advisory office on domestic and international telecommunications and information technology issues and policies. Its mandate is to: provide greater access for all Americans to telecommunications services; support U.S. attempts to open foreign markets; advise on international telecommunications negotiations; fund research grants for new technologies and their applications; and assist nonprofit organizations converting to digital transmission in the 21st century. The NTIA also manages federal use of radio frequency spectrum domestically and internationally.

The FY2008 enacted appropriation (P.L. 110-161) is \$36.3 million, or \$3.5 million less than the FY2007 enacted and \$17.7 million more than the President’s request. There are two major components to the NTIA appropriated budget (a third program, which is a revolving fund based on spectrum auctions, is discussed below). The first is Salaries and Expenses. For FY2008, the Bush Administration recommended \$18.6 million; Congress approved \$17.5 million for FY2008. In the past, a large part of this program has been for the management of various information and telecommunications policies both domestically and internationally. For the second NTIA component, the Public Telecommunications and Facilities Program (PTFPC), the Bush Administration has requested that this program’s funding be eliminated, arguing that most of the construction and refurbishing of public telecommunications facilities has already been done, and that any remaining support that is needed should come from local public broadcasting entities.

³⁸ Ibid., p. H8435.

³⁹ S.Rept. 110-124 (S. 1745), p. 17.

⁴⁰ *Congressional Record*, daily edition, vol. 153 (October 15, 2007), p. S12846.

⁴¹ This section was written by Glenn McLoughlin, Specialist in Technology and Telecommunications Policy, Resources, Science, and Industry Division.

However, for FY2008, Congress disagreed, citing the ongoing need for upgrading of public broadcasting facilities, particularly as the deadline of converting all analog broadcasts to digital in 2009 approaches. For FY2008, Congress funded this program at \$18.8 million.

The third NTIA program that is administered by NTIA but not directly funded by appropriated money comes out of the 2005 Deficit Reduction Act. That law (P.L. 109-171) called for the creation of a Digital Transition and Safety Public Fund, which would offset receipts from the auction of licenses to use the electromagnetic spectrum recovered from discontinued analog signals. The initial auction was held on January 24, 2008. The receipts from the auction will fund the following programmatic functions at NTIA: a digital-analog converter box program to assist consumers in meeting the February 2009 deadline for receiving television broadcasts in digital format; public safety interoperable communications grants (which would be made to ensure that public safety agencies have a standardized format for sharing voice and data signals on the radio spectrum); New York's 9/11 digital transition funding (until the Freedom Tower is completed); assistance to low-power television stations for converting from analog to digital transmission; a national alert and tsunami warning program; and funding to enhance a national alert system as stated in the ENHANCE 911 Act of 2004 (P.L. 108-494).

U.S. Patent and Trademark Office (USPTO)⁴²

The USPTO examines and approves applications for patents on claimed inventions and administers the registration of trademarks. It also assists other federal departments and agencies to protect American intellectual property in the international marketplace. The USPTO is funded by user fees paid by customers that are designated as "offsetting collections" and subject to spending limits established by the Appropriations Committee. For FY2007, the USPTO was provided with the budget authority to spend \$1.771 billion.

P.L. 110-161, the Consolidated Appropriations Act, FY2008, gives the U.S. Patent and Trademark Office the budget authority to spend \$1.916 billion in fees collected (an increase of 8.2% over the previous fiscal year) and mandates that existing fee increases be continued. This amount is the same as that included in the Administration's FY2008 budget proposal,⁴³ which also stated that the Office be permitted "full access" to its fee collections and that fee increases passed in 2005 and 2006 be maintained.

H.R. 3093, the FY2008 appropriations bill initially passed by the House, and the version passed by the Senate, also would have provided the USPTO with the budget authority to spend \$1.916 billion. In addition, the bill mandated that earlier fee increases remain in effect during FY2008.

Beginning in 1990, appropriation measures have limited the ability of the USPTO to utilize the full amount of fees collected in each fiscal year. This is an area of controversy. Opponents of this approach argue that agency operations are supported by payments for services that must be financed in the year the expenses are incurred. Proponents of methods to limit USPTO fee usage maintain that the fees are necessary to help balance the budget and the fees appropriated back to the Office are sufficient to cover operating costs.

⁴² This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.

⁴³ On p. 209 of the *Budget of the United States Government, Fiscal Year 2008—Appendix*, the amount of \$1,915,500,000 requested for the USPTO is *not* rounded up and is presented as \$1,915 million.

Technology Administration/Office of the Under Secretary for Technology⁴⁴

The Technology Administration and the Office of the Under Secretary for Technology in the Department of Commerce advocated national policies that foster technology development to stimulate economic growth, conduct technology development and deployment programs, and disseminate technological information. The Office of the Under Secretary for Technology also managed and supervised the activities of the National Institute of Standards and Technology and the National Technical Information Service. For FY2007, the Office was appropriated \$2 million, a 66% decrease in funding from FY2006.

The Consolidated Appropriations Act, 2008 (P.L. 110-161), did not include any funding for the Technology Administration. The President's FY2008 budget proposed financing of \$1.6 million for the Technology Administration, 20% less than FY2007. The FY2008 appropriations bill initially passed by the House, H.R. 3093, would have provided \$1 million in funds for the Technology Administration, to allow for the "...necessary costs associated with the elimination of the position of Under Secretary for Technology, as proposed in the budget request." The version of H.R. 3093 passed by the Senate did not include financing for the Technology Administration.

National Institute of Standards and Technology (NIST)⁴⁵

The NIST is a laboratory of the Department of Commerce. The organization's mandate is to increase the competitiveness of U.S. companies through appropriate support for industrial development of pre-competitive generic technologies and the diffusion of government-developed technological advances to users in all segments of the American economy. NIST research also provides the measurement, calibration, and quality assurance techniques that underpin U.S. commerce, technological progress, improved product reliability, manufacturing processes, and public safety.

The FY2007 appropriation for NIST was \$676.9 million. Funding for internal research and development under the Scientific and Technical Research and Services (STRS) account increased from the previous year to \$434.4 million (including the Baldrige National Quality Program). The Advanced Technology Program (ATP) was financed at \$79.1 million, while \$104.7 million was provided for the Manufacturing Extension Partnership (MEP) program. The construction budget was \$58.7 million.

The Consolidated Appropriations Act, 2008 (P.L. 110-161), provides NIST with \$755.8 million, an increase of 11.7% more than FY2007 and almost 18.0% more than the Administration's request. Support for the STRS account increases 1.4% to \$440.5 million (including the Baldrige National Quality Program). However, this amount is almost 12.0% less than the President's budget proposal. The Technology Innovation Program (formerly the Advanced Technology Program)⁴⁶ was appropriated \$65.2 million (with an additional \$5 million from FY2007 unobligated balances under ATP), 17.6% less than the previous fiscal year. Funding for MEP totals \$89.6 million, 14.4% less than FY2007, but 93.5% more than the budget request. Support

⁴⁴ This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.

⁴⁵ This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.

⁴⁶ The new Technology Innovation Program was authorized by P.L. 110-69.

for construction almost triples to \$160.5 million, more than 1½ times that contained in the original budget proposal.

The Administration's FY2008 budget request would have provided \$640.7 million for NIST, 5.3% less than the FY2007 figure, due primarily to the absence of support for ATP and reduced funding for MEP. The STRS account would have increased 15.2% to \$500.5 million (including the Baldrige National Quality Program). The FY2008 budget request included no funding for ATP and MEP would have been reduced 55.8% to \$46.3 million. Construction expenses would have increased 60.0% to \$93.9 million.

The initial House-passed FY2008 appropriations bill, H.R. 3093, would have provided NIST with \$831.2 million, 22.8% more than FY2007. Included in this total was \$500.5 million for the STRS account (with the Baldrige National Quality Program), an increase of 15.2% over the previous fiscal year. Under the House bill, funding for ATP would have increased 17.7% to \$93.1 million, while funding for MEP would have increased 3.9% to \$108.8 million. The construction budget would more than double to \$128.9 million.⁴⁷ Report language noted the House Appropriations Committee's support for then House-passed legislation that would reestablish ATP as the Technology Innovation Program and change program eligibility criteria and goals.⁴⁸

The Senate-passed version of H.R. 3093 would have appropriated \$863.0 million for NIST with \$30.8 million of this amount directed to other non-NIST programs for a final appropriation of \$832.2 million.⁴⁹ Funding for the STRS account would have totaled \$502.1 million (including the Baldrige National Quality Program), 15.6% more than the FY2007 figure. The Advanced Technology Program would have been financed at \$100.0 million, with \$30.8 million to be utilized by activities in the Federal Bureau of Investigations and the U.S. Marshals Service. The bill included a stipulation that no ATP applicant award was to be made to companies with revenues greater than \$1 billion. Support for the Manufacturing Extension Program would increase 5.1% to \$110.0 million. The construction budget would have totaled \$150.9 million, more than 2½ over times the FY2007 funding amount.

Continued support for the *Advanced Technology Program* has been a major funding issue. The ATP was created to provide "seed financing," matched by private sector investment, to businesses or consortia (including universities and government laboratories) for development of generic technologies that have broad applications across industries. Opponents of the program have cited it as a prime example of "corporate welfare," whereby the federal government invests in applied research activities that, they emphasize, should be conducted by the private sector. Others have defended ATP, arguing that it assisted businesses (and small manufacturers) in developing technologies that, while crucial to industrial competitiveness, would not or could not be developed by the private sector alone. Although Congress maintained (often decreasing) funding for the Advanced Technology Program, the initial appropriation bills passed by the House since FY2002 failed to include financing for ATP. During the 109th Congress, the version of the measure reported from the Senate Committee on Appropriations also did not fund ATP. For FY2006, support again was provided for the program, but the amount was 41% less than that included in the FY2005 appropriations; FY2007 funding remained the same as the previous fiscal year. The Consolidated Appropriations Act, 2008, provides support, however reduced, for a new

⁴⁷ The sum of these figures may not total \$831.2 million because of rounding.

⁴⁸ H.Rept. 110-240 (H.R. 3093), p. 25.

⁴⁹ Senate amendments that transferred funds out of NIST include S.Amdt. 3279 sponsored by Senator Jon Kyl, *Congressional Record*, daily edition (October 16, 2007), p. S12913 and S.Amdt. 3294 sponsored by Senator John Ensign, *Congressional Record*, daily edition, (October 16, 2007), p. S12895.

effort, the Technology Innovation Program, which replaces ATP and is focused on small and medium sized firms.

The budget for the *Manufacturing Extension Partnership*, another extramural program administered by NIST, has been debated since the FY2004 appropriations deliberations. Although in the recent past congressional support for MEP remained constant, the Administration's FY2004 budget request, the initial House-passed bill, and the FY2004 Consolidated Appropriations Act substantially decreased federal funding for this initiative, reflecting the President's recommendation that manufacturing extension centers "...with more than six years experience operate without federal contribution." However, P.L. 108-447 restored financing for MEP in FY2005 to the level that existed prior to the 63% reduction taken in FY2004. Although the level of support decreased in FY2006, it remained significantly above the FY2004 figure; FY2007 funding remained at a similar level. As noted above, MEP funding has been reduced by 14.4% to \$89.6 million for FY2008, as compared to the FY2007 program budget of \$104.7 million.

As part of the *American Competitiveness Initiative*,⁵⁰ announced by the President in his 2006 State of the Union message, the Administration has indicated that it intends to double over 10 years funding for "innovation-enabling research" performed at NIST. This is to be accomplished through increased support of NIST's "core" programs, defined as internal research in the STRS account and the construction budget. To this end, the President's FY2007 budget requested an 18.3% increase in funding for intramural R&D at the laboratory. For FY2007, P.L. 110-5 provided approximately half this increase of 9.6% to \$434.4 million in support research performed within the NIST facilities. For FY2008, P.L. 110-161 includes a smaller increase of 1.4% to \$440.5 million for the STRS account. This was in contrast to the Administration's budget which included a 15.2% increase in funding, as did the House-passed version of H.R. 3093, while the Senate-passed version included a 15.6% increase.

National Oceanic and Atmospheric Administration (NOAA)⁵¹

The mission of NOAA in the Department of Commerce is to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet the nation's economic, social, and environmental needs.⁵² For FY2008, Congress addressed major concerns about NOAA funding in certain key areas. These include restoring the meteorological and environmental satellite program, developing a national ocean research and management policy, implementing the Magnuson-Stevens Fishery Reauthorization Act of 2006, assisting fisheries that sustained hardships in the Gulf of Mexico since 2005, and developing a national ocean observation network.⁵³

⁵⁰ For further information, see The White House, Office of Science and Technology Policy, Domestic Policy Counsel, *American Competitiveness Initiative: Leading the World in Innovation*, February 2006, 23 pp.

⁵¹ This section was prepared by Wayne A. Morrissey, Science and Technology Information Analyst, Resources, Science, and Industry Division.

⁵² Mission statement, Department of Commerce, *NOAA FY2008 Budget Summary*, February 8, 2007, at http://www.corporateservices.noaa.gov/~nbo/FY08%20Rollout%20Materials/1_31_07_ROLLOUT/Blue_Book/Ch.0_TOC_and_INTRO_08_Final.pdf.

⁵³ For additional information, see CRS Report RS22614, *The National Oceanic and Atmospheric Administration (NOAA): A Review of the FY2008 Budget and Congressional Appropriations*, by Wayne A. Morrissey.

Table 5. NOAA Appropriations: FY2007 and FY2008

(budget authority in millions of dollars)

NOAA Accounts		FY2007 Enacted ^a	FY2008 Request	House- Passed	Senate- Passed	FY2008 Enacted
Operations, Research, and Facilities (ORF)						
NOS	National Ocean Service	493.2	436.8	449.0	532.1	467.9
NMFS	NOAA Fisheries	669.8	702.5	700.5	763.1	708.6
OAR	NOAA Research ^b	368.9	358.4	410.0	428.2	387.9
NWS	National Weather Service	735.8	807.8	811.5	819.1	805.3
NESDIS	NOAA Satellites	177.0	157.8	157.8	172.3	179.2
PS	Program Support	351.8	389.5	407.8	407.0	392.4
Total ORF Budget Authority		2,796.5	2,852.8	2,936.6	3,121.8	2,941.3
Emergency Supplemental		170.4	0.0	0.0	0.0	0.0
Budget Authority Offsets (PDAF/CZMF including transfers/deobligations) ^c		(55.4)	(85.9)	(86.0)	(84.9)	(82.0)
Subtotal ORF Discretionary		2,911.5	2,766.9	2,850.6	3,036.9	2,859.3
Procurement, Acquisition, and Construction (PAC)^d		1,110.1	979.9	1,039.1	1,059.0	979.2
Other Accounts (net total)						
PCSRF/CZMF/Finance		56.7	62.8	60.8	86.0	58.0
Total: NOAA^e		4,078.3	3,809.6	3,950.5	4,184.9	3,896.5

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; and for FY2008 enacted amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

- The FY2007 Enacted column total includes funding authorized in P.L. 110-5, the Revised Continuing Appropriations Resolution, 2007 and emergency funding of \$107.4 million in P.L. 110-28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.
- For FY2008, the House approved an additional budget authority of \$9.7 million for selected programs under NOAA Research, the sum of which is not included in House totals (H.Rept. 110-240, pp. 27-28).
- For FY2007, a rescission of \$25 million for NOAA was included in P.L. 110-28.
- The Senate total reflects S.Amdt. 3290 to H.R. 3093, approved October 16, 2007, which transferred \$30 million from NOAA's PAC account to the U.S. Attorneys Office to hire additional prosecutors for offenses relating to the sexual exploitation of children (re: Sec. 704 of P.L. 109-248).
- The FY2008 total reflects a rescission of \$11.3 million included in P.L. 110-161.

Table 5 shows funding levels for NOAA, including the FY2007 enacted, FY2008 requested, FY2008 House- and Senate-passed, and FY2008 enacted. The table is organized by the FY2008 NOAA budget structure, and includes the Operations, Research, and Facilities (ORF) account; the Procurement, Acquisition, and Construction (PAC) account; and "Other Accounts," composed of the Pacific Salmon Recovery Fund (PCSRF), the Coastal Zone Management Fund (CZMF), and fisheries financing. Also shown is offsetting budget authority for NOAA that is transferred to/from another agency; transferred internally, such as the CZMF; or authorized by Congress from previous fiscal year(s) unobligated appropriations. In some years, including FY2007, the agency received emergency appropriations or congressionally mandated rescissions.

For FY2008, Congress approved \$3.897 billion for NOAA. This includes \$2.86 billion for the ORF account, \$979 million for the PAC account, and a net total of \$64 million for NOAA's Other Accounts.⁵⁴ NOAA appropriations for FY2008 are 0.5% below FY2007 enacted levels of \$3.91 billion (less emergency appropriations); 2.1% greater than the FY2008 request of \$3.81 billion; 1.5% less than House-approved levels of \$3.95 billion; and 6.9% less than Senate-approved levels of \$4.18 billion. Final FY2008 appropriations for NOAA ORF, in general, appear to represent the middle ground between the FY2008 request and House-approved funding for NOAA, with some exceptions. Congress appropriated larger increases for the NOAA satellites program than were proposed across-the-board, except in the case of Geostationary Operational Environmental Satellite R-Series (GOES-R), for which funding was reduced commensurately with the cancellation of a planned suite of environmental remote sensing instruments. Among other amounts, Congress provided

- \$5.4 million for the National Weather Service (NWS) to continue operations and expand the Urbanet III air quality, detection, and characterization network to at least 40 U.S. cities; however, there is a slight decrease overall for the NWS of \$2.3 million, as compared with the President's request of \$807.8;
- \$20.1 million for the NOAA Marine Fisheries Service (NMFS) to relieve fishermen previously operating in specific marine conservation areas, while also providing language encouraging NOAA to deliver Bycatch Reduction Devices (BRDs) to Gulf fisheries;
- \$5.9 million for a National Academy of Sciences (NAS) study on establishing a Climate Study Committee and to hold a Summit on climate change on behalf of NOAA (P.L. 110-161, Div. B, Title I, Sec. 114); and
- \$34.1 million for NOAA education programs and authorized agency involvement in science education at all levels of learning.⁵⁵

In addition, NOAA's FY2008 appropriation includes language that was amended to the House-passed bill by Delegate Bordallo (Guam) that sets out that no less than \$500 thousand of the FY2008 appropriation is to be provided to fund Western Pacific Fishery Demonstration Projects.⁵⁶

The House-passed version of H.R. 3093 would have provided \$3.95 billion for NOAA. This amount was \$140.9 million, or 3.7% more than the FY2008 request, and \$127.8 million, or 1.0% less than the FY2007 funding level (including supplemental appropriations of \$107.4 million). Further, it was \$230 million, or 5.5% less than the Senate-approved \$4.18 billion (including emergency appropriations). The House had approved \$2.851 billion for ORF, \$1.039 billion for PAC, and a net \$60.8 million for NOAA's Other Accounts.

House report language indicated that provided for in the House-passed bill was \$6 million for an exploratory study by NAS to establish a Climate Change Study Committee (there was no similar provision in the Senate bill report); a \$23 million increase for NOAA Satellite Services for restoring critical sensors on future satellite missions to ensure continuity of weather data and environmental observations; and \$31.2 million for coastal and outer continental shelf hydrographic surveys (the same amount as requested by the President), with the requirement that

⁵⁴ Not including \$6 million in fisheries financing offsetting budget authority.

⁵⁵ *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008 (H.R. 2764/P.L. 110-161)*, pp. 232-246.

⁵⁶ H.Amdt. 27 to H.R. 3093, *Congressional Record*, daily edition, vol. 153 (July 25, 2007), pp. H8440-H8441.

NOAA report on the status and composition of its ocean observation capabilities.⁵⁷ Also included in the House-passed bill was \$37.7 million (an increase of \$18.3 million) for NOAA education and outreach programs, including \$5 million that would provide for competitive education grants (almost double the President's request, but at the same level as for FY2007) and \$140 million for competitive climate change research grants. In addition, the House bill included \$64.8 million for the Pacific Coastal Salmon Recovery Fund, for which Congress has provided \$67 million for FY2008; and \$15 million more than requested by the President for the Coastal Estuarine Land Conservation Program (CELCP), for which Congress has provided an additional \$8 million in NOAA's FY2008 appropriation.⁵⁸

The Senate-passed version of H.R. 3093 would have provided \$4.185 billion for NOAA, including \$3.037 billion for ORF; \$1.059 billion for the PAC account; and a net total of \$86 million for NOAA's Other Accounts, \$90 million of which would have been for the PCSRF. Senate report language was critical of NOAA efforts to reform ocean policy, for which the Senate-passed bill included almost \$795 million to further implementation of the Joint Ocean Commission Initiative (JOCI) recommendations "for greater stewardship of our Oceans." The final tally approved by Congress for the JOCI was around \$511 million and, as in the Senate, funding was mostly for existing programs and a few new starts.

The Senate concurred with the House about reported NOAA satellite program deficiencies and sought to restore sensors critical for weather observations and climate change research on future launches of the polar orbiting satellite program (NPOESS).⁵⁹ Although there were no references to such increases in the explanatory language accompanying P.L. 110-161, the increased funding for total NOAA satellite system acquisitions would likely provide for such efforts. Senate report language indicated support for the development of new, and preservation of existing, climate data and information.⁶⁰

Just as the House, the Senate called for grants for a number of "open competitive" research programs be established across the agency. Report language underscored that the Senate bill included \$425 million for open, competitive grants, of which \$140 million would be for climate change program activities.⁶¹ Both the Senate and the House approved \$20.3 million to construct the Pacific Region Center at Pearl Harbor, Hawaii. In NOAA's FY2008 appropriation, Congress approved \$20 million for the Pacific Region Center and also funded a Disaster Response Center for severe weather to be established in the Gulf of Mexico at \$11.3 million. Finally, Senate report language called for certain NOS coastal ocean activities to attain program status, but similar language was not included in the explanatory statement accompanying P.L. 110-161; however, budget baselines for their parent programs, Marine Sanctuaries and the NOAA Coastal Service Center, appear to have been increased by conferees on H.R. 2764 in the explanatory statement tables for NOAA's FY2008 appropriation.

On the Senate floor, the NOAA PAC account was reduced \$30 million by S.Amdt. 3290 to H.R. 3093—a reduction ultimately approved by Congress for FY2008.⁶² Other Senate amendments to H.R. 3093 adopted were reported in the explanatory statement as general provisions for Title I

⁵⁷ H.Rept. 110-240 (H.R. 3093), pp. 26-36.

⁵⁸ Ibid.

⁵⁹ S.Rept. 110-124 (S. 1745), pp. 26-51.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² S.Amdt. 3290 (Sec. 217(b)) to accompany H.R. 3093, *Congressional Record*, daily edition, vol. 153 (October 16, 2007), p. S12913.

and include (1) Magnuson-Stevens Fishery Conservation and Management Act of 1976 (P.L. 109-79) requirements for publishing of illegal, unreported, or unregulated fishing activities and the names of associated marine vessels;⁶³ (2) safety requirements for NOAA scientific and occupational divers;⁶⁴ (3) relief of fisheries operating in a presidentially-declared Marine National Monument in Hawaii;⁶⁵ and (4) a systematic joint evaluation of the NOAA Satellite Program budget by Congress, the Secretary of Commerce, and the Office of Management and Budget (OMB).⁶⁶

Still other Senate amendments to H.R. 3093 were incorporated in the explanatory statement as part of appropriations language, and include (1) encouragement of Congress for bycatch reduction devices for shrimpers in Gulf Coast waters (S.Amdt. 3228); (2) regional coastal disaster assistance, and transition in the Northern Gulf of Mexico (S.Amdt. 3314); and (3) funds for the National Research Council to conduct a study on oceans acidification (S.Amdt. 3251).

In terms of funding for FY2008, the NOAA request was the largest for the Department of Commerce, and accounted for about 58% of the department's FY2008 proposed budget (\$6.596 billion). The President requested \$3.809 billion for NOAA, which was \$243.6 million less than FY2007 appropriations, or a 6% decrease. The President's budget proposed savings of \$30.2 million from programs that were either "unrequested" by the Administration in FY2007 or were "performing poorly."⁶⁷ NOAA's Administrator, Vice Admiral Conrad C. Lautenbacher, Jr. (Ret. Navy), indicated that the FY2008 budget request was a "national consensus" of requirements to fund ongoing activities at the agency.⁶⁸

Of the \$3.809 billion, the President requested \$2.767 billion for NOAA's ORF account; \$979.9 million for the PAC account; and, for NOAA's "Other Accounts," \$62.8 million for the PCSRF.⁶⁹ The President's funding priorities for NOAA were focused in the following areas.

- Enhance the Personnel and Core Mission, including administrative, custodial, and mission support-related functions, to improve safety of NOAA Corps officers who pilot marine vessels and perform research services.
- Reprogram funds within the NOAA Satellite Service to prioritize launch of the polar orbiting Prime (N') in 2009 so as to ensure continuity of meteorological and environmental observations; implement its replacement, the National Polar Orbiting Environmental Satellite System (NPOESS); advance the NPOESS preparatory project (NPP) by testing sensors and ground systems for future weather data collection and management; and keep on schedule for the launch of the first NPOESS-C1 satellite in 2013.

⁶³ Joint Explanatory Statement, Sec. 113.

⁶⁴ Ibid. Sec. 110.

⁶⁵ Ibid. Sec. 111.

⁶⁶ Ibid. Sec. 112.

⁶⁷ See example of performance ratings for NOAA's "Coastal Zone Management Act Programs," available at <http://www.whitehouse.gov/omb/expectmore/summary/10001018.2003.html>.

⁶⁸ U.S. Department of Commerce, NOAA, "2008 President's Budget Rollout," presentation of Vice Admiral Conrad C. Lautenbacher, Jr., U.S. Navy (Ret.), Under Secretary of Commerce for Oceans and Atmosphere, February 8, 2007. Slide presentation available at http://www.corporateservices.noaa.gov/%7Enbo/FY08%20Rollout%20Materials/1_31_07_ROLLOUT/VADM_Presentation/FY08_VADM_Constituents%20Brief_FINAL_2_7_07.pdf.

⁶⁹ Not including \$6 million in fisheries financing offsetting budget authority.

- Fund President Bush's *Ocean Action Plan* to conduct ocean-related activities and include \$14 million for the International Ocean Observation System (IOOS) and \$123 million for ocean research, fisheries management, and marine conservation.
- Request new funds to operate and maintain a third WP-3 Orion "hurricane hunter" plane acquired through Hurricane Katrina emergency appropriations (P.L. 109-234) and deploy the last 19 tsunami detection (DART) buoys procured for Pacific waters.
- Promote an organic act to authorize all NOAA programs and activities under a single law.⁷⁰ The House Committees on Resources and Science have considered legislation to establish NOAA in the Department of Commerce statutorily; define the agency's mission, functions, and authorities; and place greater emphasis on marine ecosystem-based management at the agency.⁷¹

In the final outcome of FY2008 appropriations, it appears that Congress was amenable to most of the President's requests for national funding for NOAA. In some cases, however, it went steps further to provide more resources than was requested for certain key programs and activities of importance in their home districts, including regional economic issues and disaster recovery, and other issues of national concern such as long-term observation and assessment of the state of the environment, with respect to atmospheric pollution, climate change, and the health of the oceans. In some cases, Congress avoided more drastic budget savings proposed for NOAA by the Bush Administration, and provided greater funding for NOAA activities as proposed by the Senate to address needs and priorities at the agency.

Departmental Management⁷²

The enacted FY2008 amount for Departmental Management (P.L. 110-161) is \$70.0 million, which is \$3.7 million less than the FY2007 enacted amount and \$17.4 million less than the President's request. The President's FY2008 budget request included \$87.4 million for Departmental Management: \$58.7 million for salaries and expenses, \$23.4 million for the Office of Inspector General (IG), and \$4.3 million for renovation to the department's headquarters, the Herbert C. Hoover Building. The \$87.4 million requested for Departmental Management was \$13.8 million more than the FY2007 appropriation, a 18.7% increase. The \$58.7 million for salaries and expenses would have been approximately \$11.6 million more than the FY2007 appropriation, a 24% increase. The \$23.4 million for the IG would have been a slight increase from the FY2007 appropriation of \$22.6 million. The President's FY2008 budget included \$1 million for the Coordination Council, which did not receive any funding in FY2007. The President's FY2008 request did not include any funding for United States Travel and Tourism Promotion, compared with \$3.9 million enacted in FY2007.

The Senate passed its committee's recommendation of \$82.7 million for Departmental Management, which was \$4.7 million less than the President's request. The House bill, as passed, included \$46.5 million for Departmental Management after several amendments reduced the

⁷⁰ NOAA was created in the Department of Commerce by President Nixon with Reorganization Plan No. 4 in 1970, which consolidated programs from different agencies across the federal government. Those programs have maintained their respective original authorizing laws.

⁷¹ Hearings on H.R. 21 were held by the Committee on House Resources, Subcommittee on Fisheries, Wildlife, and Oceans on April 26, 2007. In that venue, the Administration differed with Congress's decisions about agency flexibility and budget autonomy.

⁷² This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

House committee's recommendation by \$40 million by transferring that funding to Department of Justice programs.⁷³ Consequently, the \$46.5 million for Departmental Management included in the House-passed bill was \$40.9 million less than the Administration's request and \$36.2 million less than the Senate recommendation. The House-passed bill had included \$3.4 million for renovations to the Herbert C. Hoover Building, while the Administration had included \$4.3 million. Neither the Senate nor the House recommendation included any funds for United States Travel and Tourism Promotion.

Related Legislation

P.L. 110-69 (H.R. 2272)

America COMPETES Act. Title III authorizes funding for the National Institute of Standards and Technology (NIST) through 2010 and creates several new manufacturing R&D programs in that organization. Among the new programs established within NIST would be a Technology Innovation Program to replace the Advanced Technology Program. Introduced on May 10, 2007; referred to the House Committee on Science and Technology. Passed House on May 21, 2007, and received in the Senate on May 22, 2007. Placed on Senate Legislative Calendar under General Orders. Senate struck out all after the Enacting Clause and substituted the language of S. 761. Passed Senate, with the amendment, on July 19, 2007. Conference held and conference report agreed to on July 31, 2007. House and Senate agreed to conference report on August 2, 2007. Signed into law by the President on August 9, 2007.

H.R. 21 (Farr)

The Oceans Conservation, Education, and National Strategy for the 21st Century Act was introduced on January 4, 2007 and referred to the House Committees on Resources and Science. Title II of this act would repeal the executive order that created NOAA in 1970, establish the National Oceanic and Atmospheric Agency (NOAA) within the Department of Commerce, and authorize all of its programs and activities under a single law, or organic act. It would maintain the current leadership structure and preserve the status of extant NOAA rules, regulations, and other legal matters with few exceptions. The act lays out the mission and programs required to be maintained by NOAA to support operations, research, and, services. It identifies research and development (R&D) and education and outreach part of NOAA's mission. It would authorize a NOAA Science Advisory Board. It would require National Academy of Sciences reviews of NOAA activities, including adequacy of environmental data and information systems, a strategic plan for R&D, and extramural support of NOAA operations. A reorganization plan would be required 18 months after enactment and an annual internal assessment of NOAA's effectiveness and efficiency. The Administrator of NOAA would be required to notify Congress and the public prior to closing, transferring, changing, or establishing any NOAA facility. Conditions are set for developing major programs to include determining cost baseline and notifying Congress when cost increases or schedule delays occur in major programs. Finally, the act places greater emphasis on ecosystem-based management as part of NOAA research and operations. A hearing on H.R. 21 was held by the House Resources Subcommittee on Fisheries, Wildlife, and Oceans

⁷³ As described more fully below, Representative Zoe Lofgren offered an amendment (H.Amdt. 652) that transferred the \$25 million from Commerce's Departmental Management account to the State Criminal Alien Assistance Program as part of a larger increase of \$55 million for the latter program. Representative Ted Poe offered an amendment (H.Amdt. 668) that reduced the same account by \$10 million, as a cost savings measure so that obligations from the Victims of Crime Trust Fund could be increased by that amount. In addition, Representative David Reichert offered an amendment (H.Amdt. 669) that shifted \$5 million from Commerce's Departmental Management account to the Office on Violence Against Women. *Congressional Record*, daily edition, vol. 153 (July 25, 2007), pp. H8443-8447, H8465-8466; pp. H8477-H8478, H8494-H8495; and H8478-H8480, H8495-H8496.

on April 26, 2007. Sponsor's remarks on H.R. 21 were included in the *Congressional Record*, June 6, 2007: H6104.

H.R. 1868 (Wu)

The Technology Innovation and Manufacturing Stimulation Act of 2007, as passed by the House, would authorize funding for NIST through 2010 and create several new manufacturing R&D programs within NIST.

S. 761 (Reid)

The America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, as passed by the Senate, would authorize appropriations for NIST through FY2011, as well as provide for the creation of a new manufacturing R&D program within NIST, among other things.

Related CRS Products

CRS Report 95-36, *The Advanced Technology Program*, by Wendy H. Schacht.

CRS Report RL31832, *The Export Administration Act: Evolution, Provisions, and Debate*, by Ian F. Fergusson.

CRS Report 97-104, *Manufacturing Extension Partnership Program: An Overview*, by Wendy H. Schacht.

CRS Report 95-30, *The National Institute of Standards and Technology: An Appropriations Overview*, by Wendy H. Schacht.

CRS Report RS22614, *The National Oceanic and Atmospheric Administration (NOAA): A Review of the FY2008 Budget and Congressional Appropriations*, by Wayne A. Morrissey.

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Department of Justice⁷⁴

Background

Established by an act of 1870 (28 U.S.C. 501) with the Attorney General at its head, the Department of Justice provides counsel for citizens and protects them through law enforcement. It represents the federal government in all proceedings, civil and criminal, before the Supreme Court. In legal matters, generally, the Department provides legal advice and opinions, upon request, to the President and executive branch department heads. The major functions of DOJ agencies and offices are described below.

⁷⁴ This section was written by Celinda Franco, Specialist in Social Legislation, and Nathan James, Analyst in Crime Policy, Domestic Social Policy Division.

- *United States Attorneys* prosecute criminal offenses against the United States, represent the federal government in civil actions, and initiate proceedings for the collection of fines, penalties, and forfeitures owed to the United States.
- *United States Marshals Service* provides security for the federal judiciary, protects witnesses, executes warrants and court orders, manages seized assets, detains and transports unsentenced prisoners, and apprehends fugitives.
- *Federal Bureau of Investigation (FBI)* investigates violations of federal criminal law; helps protect the United States against terrorism and hostile intelligence efforts; provides assistance to other federal, state, and local law enforcement agencies; and shares jurisdiction with Drug Enforcement Administration (DEA) over federal drug violations.
- *Drug Enforcement Administration (DEA)* investigates federal drug law violations; coordinates its efforts with state, local, and other federal law enforcement agencies; develops and maintains drug intelligence systems; regulates legitimate controlled substances activities; and conducts joint intelligence-gathering activities with foreign governments.
- *Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)* enforces federal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. It was transferred from the Department of the Treasury to the Department of Justice by the Homeland Security Act of 2002 (P.L. 107-296).
- *Federal Prison System* provides for the custody and care of the federal prison population, the maintenance of prison-related facilities, and the boarding of sentenced federal prisoners incarcerated in state and local institutions.
- *Office on Violence Against Women* coordinates legislative and other initiatives relating to violence against women and administers grant programs to help prevent, detect, and stop violence against women, including domestic violence, sexual assault, and stalking.
- *Office of Justice Programs (OJP)* manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Community Oriented Policing Services (COPS), and the Office of Victims of Crime.
- *Office of Community Oriented Policing Services (COPS)* administers grants to assist law enforcement agencies in enhancing public safety through the implementation of community policing strategies. COPS grants support, among other things, the enhancement of law enforcement officers' problem-solving and community interaction skills to foster working relationships with community members that are focused on improving crime prevention within communities.

Most crime control has traditionally been a state and local responsibility. With the passage of the Crime Control Act of 1968 (P.L. 90-351), however, the federal role in the administration of criminal justice has increased incrementally. Since 1984, Congress has approved five major omnibus crime control bills, designating new federal crimes, penalties, and additional law enforcement assistance programs for state and local governments.

Government Performance and Results Act

The Government Performance and Results Act (GPRA) required the Department of Justice, along with other federal agencies, to prepare a five-year strategic plan, including a mission statement, long-range goals, and program assessment measures. The Department's Strategic Plan for FY2007-FY2012 sets forth six goals:

- detect and prevent terrorism;
- combat violent crime;
- combat computer crime, especially child pornography, obscenity, and intellectual property theft;
- combat illegal drugs;
- attack corporate and public corruption; and
- promote civil rights and civil liberties.⁷⁵

FY2008 Budget Request⁷⁶

For the Department of Justice (DOJ), the Consolidated Appropriations Act, 2008 (P.L. 110-161) provides \$23.592 billion in FY2008 funding, an increase of \$381.5 million over the FY2007 appropriation (see **Table 6**). This funding exceeds the President's FY2008 budget request of \$22.348 billion by nearly \$1.244 billion. The FY2008 request, moreover, would have been \$862.5 million less than the FY2007 DOJ appropriation of \$23.210 billion. By comparison, for FY2008, the Senate-passed bill would have provided \$24.493 billion for DOJ, \$1.282 billion more than the FY2007 enacted level and almost \$2.145 billion more than the FY2008 request. The House-passed bill would have provided \$23.974 billion, \$764 million more than the FY2007 appropriation and \$1.626 billion more than the FY2008 request, although \$518.6 million less than the proposed amount in the Senate-passed bill.

In recent years, as a part of the DOJ appropriations process there has been controversy over the appropriate level of assistance the Department provides to states and localities for law enforcement and crime prevention grants. The divergence between the Administration's and Congress' perspectives on this issue is evident in the relatively large differences in the funding levels requested by the President and the amounts appropriated by Congress for programs under the Office of Justice Programs (OJP). Generally, Congress has provided higher funding levels for these activities compared to the President's budget request.

Table 6. Funding for the Department of Justice
(budget authority in millions of dollars)

Accounts	FY2007 Enacted ^a	FY2008 Request ^b	House- Passed	Senate- Passed	FY2008 Enacted
General Administration	1,836.2	1,901.6	1,819.5	1,829.0	1,794.8

⁷⁵ U.S. Department of Justice, Office of the Attorney General, *Stewards of the American Dream: FY 2007—FY 2012 Strategic Plan*, available at <http://www.usdoj.gov/jmd/mps/strategic2007-2012/index.html>.

⁷⁶ The DOJ appropriations process often includes proposals to rescind unobligated balances or unobligated recoveries from prior year appropriations. Rescissions are included in the FY2008 appropriations proposals for specific activities or programs. Because these amounts do not reduce the amounts appropriated by Congress for the current fiscal year they are not detailed in **Table 6**. Total amounts of proposed DOJ rescissions are reflected in the summary table at the end of the report.

Accounts	FY2007 Enacted ^a	FY2008 Request ^b	House- Passed	Senate- Passed	FY2008 Enacted
U.S. Parole Commission	11.5	12.2	12.2	12.2	11.5
Legal Activities	3,393.1	3,664.9	3,609.1	3,710.6	3,584.0
<i>General legal activities</i>	678.8	750.6	750.6	753.0	745.5
<i>United States Attorneys</i>	1,660.0	1,747.8	1,748.6	1,777.8	1,754.8
<i>United States Marshals Service</i>	825.4	899.9	886.2	912.7	866.5
<i>Other</i>	229.0	266.6	223.7	267.1	217.2
National Security Division	68.7	78.1	78.1	78.1	73.4
Interagency Law Enforcement	497.9	509.2	509.2	509.2	497.9
Federal Bureau of Investigation	6,298.6	6,524.8 ^b	6,531.8	6,601.7	6,657.7
<i>Salaries and expenses</i>	3,987.5	4,041.4	4,195.0	4,086.7	4,184.9
<i>Counterintelligence and National Security</i>	2,259.7	2,308.6	2,308.6	2,308.6	2,308.6
<i>Construction</i>	51.4	81.4	28.2	206.4	164.2
Drug Enforcement Administration	1,761.1	1,804.6	1,842.6	1,854.2	1,857.6
Bureau of Alcohol, Tobacco, Firearms and Explosives	984.1	1,014.0	1,014.0	1,049.0	1,007.6
Federal Prison System	5,448.2	5,363.9	5,268.9	5,648.9	5,425.5
Office of Violence Against Women	382.6	370.0	459.0	400.0	400.0
Office of Justice Programs	2,528.5	1,104.7	2,830.0	2,800.1	2,282.0
<i>Justice assistance</i>	238.3	167.3	250.0	240.0	196.2
<i>State and local law enforcement assistance</i>	1,286.8	550.0	1,380.0	1,430.0	1,008.1
<i>Weed and seed program fund</i>	49.4	—	— ^c	50.0	32.1
<i>Community oriented policing services</i>	541.8	32.3	725.0 ^c	660.0	587.2
<i>Juvenile justice programs</i>	338.4	280.0	399.9	345.0	383.5
<i>Public safety officers benefits program</i>	73.8	75.1	75.1	75.1	74.8
Total: Department of Justice	23,210.4	22,347.9	23,974.2	24,492.8	23,591.9

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; for final enacted FY2008 amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

- The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- The FY2008 request amounts reflect a November 6, 2007, budget amendment that would provide additional funding for the FBI (\$93.5 million for cybersecurity and counterterrorism) and the DEA (\$2 million for counterterrorism). The FY2008 request amounts, however, do not reflect an additional \$146.7 million requested by the Administration in February 2008 for the Department of Justice as part of the FY2008 Global War on Terror Supplemental.

- c. FY2008 proposed funding in the House-passed bill for COPS of \$725 million includes \$49.7 million for the Weed and Seed program.

For FY2008, Congress has appropriated \$2.282 billion for all OJP programs, \$246.5 million less than the FY2007 enacted level. This amount exceeds the President's FY2008 budget request of \$1.105 billion for OJP programs by \$1.177 billion. The President's proposed reduction of \$1,105 would have been nearly \$1.424 billion less than the FY2007 appropriation of \$2.529 billion. The Senate-passed bill would have provided \$2.80 billion for these programs, an amount that is \$271.6 million more than the FY2007 appropriation, and nearly \$1.695 billion more than the FY2008 request. The House-passed bill would have provided \$2.830 billion, \$301.5 million more than the FY2007 appropriation, \$1.725 billion more than the FY2008 request, and \$29.9 million more than in the Senate-passed bill. (For a more detailed discussion, see the "Office of Justice Programs (OJP)" section, below.)

General Administration

The General Administration account for DOJ provides funds for salaries and expenses, the Attorney General's office, the Inspector General's office, as well as other programs designed to ensure that the collaborative efforts of DOJ agencies are coordinated to help fight crime as efficiently as possible. One example of such activities and programs is the Joint Automated Booking System and the Automated Biometric Identification System, which is designed to integrate fingerprint identification systems (e.g., IAFIS and IDENT). In addition, DOJ continues to enhance its counterterrorism and intelligence capabilities through infrastructure improvements and initiatives, including the Law Enforcement Wireless Communications (LEWC, formerly known as Narrowband Communications) for developing and implementing nation-wide integrated wireless networks to support the federal law enforcement and homeland security missions of DOJ. Additionally, funding for the Justice Information Sharing Technology (JIST) account provides for investments in information technology to further support the Department's strategic goals.

The General Administration appropriation is \$1.795 billion for FY2008.⁷⁷ This amount is \$41.3 million less than the enacted FY2007 appropriation of \$1.836 billion; however, it is \$106.8 million less than the President's FY2008 budget request of \$1.902 billion. The Senate-passed bill would have funded this account at \$1.829 billion for FY2008, \$7.2 million less than the FY2007 appropriation and \$72.6 million less than the FY2008 request. The House-passed bill would have funded this account at nearly \$1.819 billion, \$16.7 million less than the FY2007 appropriation level, \$82.1 million less than the FY2008 request, and \$9.5 million less than the Senate-passed bill. The House-passed amount was \$50.3 million less than the House-reported amount as several amendments would have offset funding for other programs by reducing funding for General Administration.⁷⁸

⁷⁷ P.L. 110-161 rescinds \$7.4 million of unobligated balances from the the General Administration's salaries and expenses subaccount, \$41.0 million from the Working Capital Fund, and \$1.3 million from the Telecommunications Carrier Compliance Fund.

⁷⁸ As discussed previously, the House-passed bill reflected an amendment offered by Representative Shimkus (H.Amdt. 646) that shifted \$5 million from General Administration's salaries and expenses subaccount to the NTIA (under the Department of Commerce). In addition, as discussed below, an amendment offered by Representative Lofgren (H.Amdt. 652) shifted \$25 million from that same subaccount to the State Criminal Alien Assistance Program (under the Office of Justice Programs), an amendment offered by Representative Jay Inslee (H.Amdt. 750) shifted another \$14 million to the Office on Violence Against Women, and an amendment offered by Representative Judy Biggert (H.Amdt. 654) shifted \$6.3 million to efforts to investigate and prosecute mortgage fraud (\$5.5 million to the Federal Bureau of Investigation and \$750 thousand to the U.S. Attorneys). Consequently, in the House-passed bill, the General

Justice Information Sharing Technology (JIST)

For JIST, the FY2008 General Administration appropriation includes \$85.5 million,⁷⁹ a \$38 million reduction from FY2007 enacted appropriations and \$15 million less than the President's FY2008 request of \$100.5 million. The Senate-passed bill would have provided \$90.8 million, \$27.8 million less than the FY2007 appropriation of \$123.6 million, and \$4.7 million less than the FY2008 request. The House-passed bill would have provided the same amount requested in the President's budget.

Federal Office of Detention Trustee (OFDT)

The OFDT provides overall management and oversight for federal detention services relating to federal prisoners in non-federal institutions or otherwise in the custody of the U.S. Marshals Service. The FY2008 appropriation for OFDT is almost \$1.226 billion. Although this amount is \$104 thousand more than the FY2007 appropriation, it is \$68.3 million less than the President's FY2008 budget request of \$1.294 billion in funding. The Senate-passed bill would have provided OFDT with approximately \$1.266 billion, \$40 million more than the FY2007 appropriation, but \$28.4 million less than the FY2008 request. The House-passed bill would have provided OFDT funding of \$1.261 billion, \$35 million more than the FY2007 appropriation, but \$33.4 million less than the FY2008 request, and \$5.0 million less than in the Senate-passed bill.⁸⁰

Office of the Inspector General (OIG)

The OIG is responsible for detecting and deterring waste, fraud, and abuse involving DOJ programs and personnel and promoting economy and efficiency in DOJ operations. The OIG also investigates allegations of departmental misconduct. For FY2008, Congress has appropriated of \$70.6 million for the DOJ OIG, a funding level equal to the amount enacted in FY2007, although \$2.6 million less than the FY2008 President's request of \$73.2 million. The Senate-passed bill would have provided \$73.7 million for the OIG, \$3.1 million greater than the FY2007 appropriation and \$492 thousand greater than the FY2008 request. The House-passed bill would have provided \$74.7 million, \$4.1 million greater than the FY2007 appropriation, \$1.5 million greater than the FY2008 request, and \$1.0 million greater than the amount in the Senate-passed bill.

U.S. Parole Commission

The U.S. Parole Commission adjudicates parole requests for prisoners who are serving felony sentences under federal and District of Columbia code violations. The FY2008 appropriation for the Parole Commission is nearly \$11.5 million, an amount that is \$47 thousand less than the FY2007 appropriation, and \$732 thousand less than the FY2008 request of \$12.2 million. For FY2008, the Senate- and House-passed bills would have provided an appropriation equal to the amount requested by the President.

Administration salaries and expenses subaccount was reduced from \$58.7 million to \$8.4 million by those amendments.

⁷⁹ P.L. 110-161 includes a rescission of \$5.9 million of unobligated balances from JIST.

⁸⁰ For FY2008, P.L. 110-161 rescinds \$145 million of unobligated balances from prior year appropriations for OFDT. Both the Senate- and House-passed bills included proposed \$135 million rescissions from the OFDT account.

Legal Activities

The Legal Activities account includes several subaccounts: (1) general legal activities, (2) U.S. Attorneys, (3) U.S. Marshals Service, (4) prisoner detention, and (5) other legal activities. For FY2008, Congress has appropriated \$3.584 billion for Legal Activities, \$190.9 million greater than the FY2007 appropriation of \$3.393 billion,⁸¹ although it is \$80.9 million less than the President's budget request of \$3.665 billion. The Senate-passed bill would have provided nearly \$3.711 billion for this account, \$317.5 million more than the FY2007 appropriation and \$45.7 million more than the FY2008 request. The House-passed bill would have provided \$3.609 billion, \$216 million greater than the FY2007 appropriation; however, that amount would have been \$55.8 million less than the FY2008 request and almost \$101.5 million less than the Senate-passed bill.⁸²

General Legal Activities

The General Legal Activities account funds the Solicitor General's supervision of the department's conduct in proceedings before the Supreme Court. It also funds several departmental divisions (tax, criminal, civil, environment and natural resources, legal counsel, civil rights, and antitrust). The FY2008 general legal activities appropriation is \$735.5 million, an increase of \$58.4 million over the FY2007 appropriation of \$678.8 million,⁸³ but \$15 million less than the President's FY2008 budget request of \$750.6 million. The Senate-passed bill would have provided \$753 million for General Legal Activities, \$74.2 million more than the FY2007 appropriation and \$2.4 million more than the FY2008 request. The House-passed bill would have provided \$750.6 million, an amount equal to the FY2008 request.

Office of the U.S. Attorney

The U.S. Attorneys enforce federal laws through prosecution of criminal cases and represent the federal government in civil actions in all of the 94 federal judicial districts. For FY2008, the U.S. Attorneys' appropriated budget is almost \$1.755 billion. This amount is \$94.9 million more than FY2007 enacted budget and \$7.0 million more than the President's FY2008 budget request of almost \$1.748 billion. The Senate-passed bill would have provided the U.S. Attorneys Office with \$1.778 billion,⁸⁴ \$30 million more than the FY2008 request and \$118 million more than the FY2007 appropriation. The House-passed bill⁸⁵ would have provide \$1.749 billion for the U.S.

⁸¹ This amount includes \$1.648 million in FY2007 Emergency appropriations for General Legal Activities (P.L. 110-28), described below.

⁸² For FY2008, P.L. 110-161 rescinds \$240 million of unobligated balances from the Assets Forfeiture Fund under the Legal Activities account. The President's budget request and the Senate- and House-passed bills included rescissions in the same amount.

⁸³ This amount includes \$1.648 million in FY2007 Emergency appropriations (P.L. 110-28).

⁸⁴ Senator Gordon Smith offered an amendment to H.R. 3093 that would have provided an additional of \$30 million for the U.S. Attorneys account for the prosecution of offenses related to the sexual exploitation of children. This amount was to be offset by a similar reduction in the Department of Commerce's NIST account. See S.Amdt. 3290, *Congressional Record*, daily edition, vol. 153 (October 16, 2007), p. S12913.

⁸⁵ The House-passed bill would have provided an additional \$750 thousand, as Representative Biggert successfully offered an amendment, which passed by voice vote, to provide additional funding to the U.S. Attorneys to prosecute cases of mortgage fraud. See H.Amdt. 654, *Congressional Record*, daily edition, vol. 153 (July 25, 2007), pp. H8449-H8450.

Attorneys, \$88.7 million more than the FY2007 appropriation, \$750 thousand more than the FY2008 request, and \$29.3 million less than the amount in the Senate-passed bill.

U.S. Marshals Service (USMS)

The USMS is responsible for the protection of the federal judicial process, including protecting judges, attorneys, witnesses, and jurors. In addition, USMS provides physical security in courthouses, safeguards witnesses, transports prisoners from court proceedings, apprehends fugitives, executes warrants and court orders, and seizes forfeited property. For FY2008, the appropriation for the USMS is \$866.5 million. Although this amount is \$41.2 million more than the FY2007 appropriation of \$825.4 million,⁸⁶ it is \$33.4 million less than the \$899.9 million included in the FY2008 President's budget request. For FY2008, the Senate-passed bill would have provided \$912.7 million for the USMS,⁸⁷ \$87.4 million more than the FY2007 appropriation, and \$12.8 million more than the FY2008 request. For construction, the Senate-bill would have created a separate account⁸⁸ that would have been funded at just over \$8.0 million for FY2008. The House-passed bill would have provided \$886.2 million for USMS, almost \$60.9 million greater than the FY2007 appropriation, although nearly \$13.7 million less than the FY2008 request and \$26.5 million less than the Senate-passed bill.

Other Legal Activities

For other legal activities—the Community Relations Service, the U.S. Trustee Fund (which is responsible for maintaining the integrity of the U.S. bankruptcy system by, among other things, prosecuting criminal bankruptcy violations), and the Asset Forfeiture program—the FY2008 appropriation is \$227.2 million. This amount is \$1.8 million less than the FY2007 appropriation and \$39.4 million less than the President's FY2008 budget request of \$266.6 million. The Senate-passed bill would have provided \$267.1 million for other legal activities, \$38.1 million greater than the FY2007 appropriation and \$500 thousand greater than the FY2008 request. The House-passed bill would have provided \$223.7 million for this account, \$5.3 million less than the FY2007 appropriation, \$42.9 million less than the FY2008 request, and \$43.4 million less than the amount in the Senate-passed bill.

National Security Division (NSD)

The NSD coordinates DOJ's national security and terrorism missions through law enforcement investigations and prosecutions. The NSD was established in DOJ in response to the recommendations of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission), and authorized by Congress on March 9, 2006, in the USA PATRIOT Improvement and Reauthorization Act of 2005 (P.L. 109-177). Under the NSD, the DOJ resources of the Office of Intelligence Policy and Review and the Criminal Division's Counterterrorism and Counterespionage Sections are consolidated to

⁸⁶ This amount includes \$6.450 million in FY2007 Emergency appropriations (P.L. 110-28).

⁸⁷ Senator Ensign offered an amendment that increased funding under H.R. 3093 for the Marshals Service by nearly \$8 million to carry out the Adam Walsh Child Protection and Safety Act of 2006, by reducing funding for the Department of Commerce's NIST Advanced Technology Program. See S.Amdt. 3294, *Congressional Record*, daily edition, vol. 153 (October 16, 2007), pp. S12895-12896, S12905.

⁸⁸ Funding for USMS construction is generally included within the Salaries and Expenses account.

coordinate all intelligence-related resources and ensure that criminal intelligence information is shared, as appropriate.

For FY2008, Congress has appropriated nearly \$73.4 million for NSD. This funding level is \$4.7 million more than the FY2007 appropriation of \$68.7⁸⁹ and \$4.7 million less than the \$78.1 million requested in the President's FY2008 budget. The Senate- and House-passed bills would have provided the same amount requested in the President's FY2008 budget.

Interagency Law Enforcement

The Interagency Law Enforcement account reimburses departmental agencies for their participation in the *Organized Crime Drug Enforcement Task Force (OCDETF)* program. Organized into nine regional task forces, this program combines the expertise of federal agencies with the efforts of state and local law enforcement to disrupt and dismantle major narcotics-trafficking and money-laundering organizations. From DOJ, the federal agencies that participate in OCDETF are the Drug Enforcement Administration; the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Marshals Service; the Justice, Tax and Criminal Divisions of DOJ; and the U.S. Attorneys. From the Department of Homeland Security, the U.S. Bureau of Immigration and Customs Enforcement and the U.S. Coast Guard participate in OCDETF. In addition, the Internal Revenue Service and Treasury Office of Enforcement also participate from the Department of the Treasury. State and local law enforcement agencies participate in approximately 87% of all OCDETF investigations.

For FY2008, the OCDETF appropriation is \$497.9 million, an amount equal to the FY2007 appropriation level. However, this funding amount is \$11.2 million less than the \$509.2 million level requested in the President's FY2008 budget and included in both the Senate- and House-passed bills.

Federal Bureau of Investigation (FBI)

The FBI is the lead federal investigative agency with the mission of protecting and defending the country against terrorist and foreign intelligence threats; enforcing federal laws; and providing leadership and criminal justice services to federal, state, municipal, tribal, and territorial law enforcement agencies and partners. Following the September 11, 2001 terrorist attacks, however, the FBI has reorganized and reprioritized to focus more sharply on preventing terrorism and related criminal activities.

The enacted FY2008 FBI budget is \$6.658 billion, including \$2.309 billion for counterterrorism investigations, foreign counterintelligence, and other activities related to national security; as well as \$164.2 million for construction. The FY2008 appropriation exceeds the enacted FY2007 budget of \$6.299 billion⁹⁰ by \$359.1 million and the President's FY2008 budget request of \$6.525 billion by \$132.8 million.

The Senate-passed bill would have provided almost \$6.602 billion⁹¹ for the FBI, almost \$303.1 million greater than the FY2007 appropriation, \$76.8 million greater than the FY2008 request,

⁸⁹ This amount includes \$1.736 million in FY2007 Emergency appropriations (P.L. 110-28).

⁹⁰ This amount includes \$258 million in FY2007 Emergency appropriations (P.L. 110-28).

⁹¹ Senator Kyl offered an amendment that increased funding under the Senate-passed H.R. 3093 for the FBI by \$23 million to be used for personnel, equipment, and other resources to be used for the analysis of DNA samples. See S.Amdt. 3279, *Congressional Record*, daily edition, vol. 153 (October 16, 2007), pp. S12913 and S12914.

and \$69.8 million greater than the House-passed bill. For construction, the Senate bill included \$206.4 million, including a subaccount of \$63.7 million for sensitive compartmented information facilities (SCIFs).

The House-passed bill would have provided \$6.532 billion for the FBI,⁹² \$233.2 million more than the FY2007 appropriation and almost \$7.0 million more than the FY2008 request. The House bill's funding level, however, would have been \$69.8 million less than the amount included in the Senate-passed bill for FY2008. The House bill included almost \$148.2 million for additional positions to increase the Bureau's capacity for counter-terrorism and crime fighting; \$80 million for SENTINEL, the FBI's new case management system; and \$47 million to improve the speed and accuracy of IAFIS and help support the integration of the FBI's IAFIS with the Department of Homeland Security's IDENT system. In addition, the House bill included \$28.2 million for FBI's Construction account, \$23.2 million less than the FY2007 appropriation, \$53.2 million less than the FY2008 President's request, and \$178.2 million less than the Senate bill.

Drug Enforcement Administration (DEA)

The DEA is the lead federal agency tasked with reducing the illicit supply and abuse of dangerous narcotics and drugs through drug interdiction and seizing of illicit revenues and assets from drug trafficking organizations. According to DEA, the agency's efforts to reduce the drug supply has contributed to a 23% drop in national drug use over the past five years. By 2009, one of DEA's goals is to take \$3 billion each year from the ill-gotten proceeds of international drug trafficking networks operating in the United States. In Congressional testimony on April 17, 2007, DEA noted that they continue to face evolving challenges in limiting the supply of illicit drugs such as the illicit use of pharmaceutical drugs available through the Internet; enforcement along the Southwest border with Mexico where DEA estimates that 85% of illicit drugs are smuggled into the United States; and DEA's limited intelligence infrastructure inability to keep pace with the well-financed use and sophistication of communications technology used drug trafficking organizations in their smuggling operations.

The enacted FY2008 DEA appropriation is \$1.858 billion. This amount exceeds the FY2007 appropriation of \$1.761 million⁹³ by \$96.5 million and the President's FY2008 budget request of \$1.805 billion by \$53 million. The Senate-passed bill would have provided \$1.854 billion for DEA, \$93.1 million more than the FY2007 appropriation and \$49.6 million more than the FY2008 request. The House-passed bill would have provided almost \$1.843 billion, \$81.5 million more than FY2007 appropriations, \$38.0 million more than the President's request, but \$11.6 million less than the amount included in the Senate bill.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

The ATF enforces federal criminal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. ATF works both independently and through partnerships with industry groups, international, state and local governments, and other federal

⁹² The House-passed amount for the FBI was \$500 thousand greater than the House-reported amount, as Representative Biggert offered an amendment (H.Amdt. 654) that would have increased FBI funding by \$5.5 million for mortgage fraud investigations. Representative Lofgren, however, offered a subsequent amendment (H.Amdt. 652) that reduced FBI funding for construction by \$5 million and shifted it to the State Criminal Alien Assistance Program (described below).

⁹³ This amount includes \$16.166 million in FY2007 Emergency appropriations (P.L. 110-28).

agencies to investigate and reduce crime involving firearms and explosives, acts of arson, and illegal trafficking of alcohol and tobacco products.

For FY2008, Congress has appropriated \$1.008 billion for ATF, including \$23.5 million for construction. Although this amount is \$23.5 million greater than the FY2007 appropriation, it is \$6.4 million less than the amount proposed in the President's FY2008 budget request. The FY2008 request of \$1.014 billion for ATF was \$29.9 million more than the FY2007 appropriation of \$984.1 million. The request included \$10 million for the Arson and Explosives decision unit to make up for a previous budget reduction; \$6.3 million to expand ATF's domestic firearms trafficking enforcement efforts nationwide; \$2.2 million for the Project Safe Neighborhoods (PSN) initiative to expand gang and firearms enforcement efforts nationally; and \$400 thousand for ATF agents dedicated to the National Gang Targeting Enforcement and Coordination Center (GangTECC), a national task force designed to coordinate anti-gang strategies and operations across agency lines.

The Senate-passed bill would have provided almost \$1.049 billion for ATF, an increase of \$35.0 million over the Administration's FY2008 budget request as well as \$64.9 million over the FY2007 appropriation. The Senate-passed bill directed that \$35 million of the ATF FY2008 appropriation would have been provided for the construction of the National Center for Explosives Training and Research.

The House-passed bill would have provided almost \$1.014 billion for ATF, an amount equal to the FY2008 request, and similarly included specified amounts to be directed at the same initiatives found in the request for the Firearms Trafficking/Gun Runner Program, PSN/Firearms Violence Reduction program, and GangTECC. In addition, the House bill would have directed ATF to submit a report on recommended improvements to upgrade its information technology systems and the bill included \$1.0 million for this purpose.

Federal Prison System (FPS)

The FPS is administered by the Bureau of Prisons (BOP), which maintains penal institutions nationwide and contracts with state, local, and private concerns for additional detention space. The Administration estimates that as of January 11, 2007, there were nearly 193,616 federal inmates in 114 institutions. Of the total number of federal inmates, 163,000 are in facilities operated by BOP, while the remaining 16% of federal inmates were in contract care at privately operated secure facilities that are managed by state and local governments, residential reentry centers, or serving a sentence of home confinement. BOP projects that the total federal prison population will continue to increase, reaching 202,584 by 2008, 207,885 by 2009, and reach 212,987 by the year 2010. According to BOP, the increased federal prison population can be attributed to stepped-up law enforcement efforts, tougher federal criminal laws, and altered sentencing in the federal criminal justice system, with the largest increases of FY1998-FY2000 due to higher number of prosecutions of drug defendants, immigration cases, and weapons offenses. Systemwide, BOP facilities are estimated to be operating at 36% above capacity in FY2007 and are projected to continue operating at this level in FY2008.

For FY2008, Congress has appropriated \$5.425 billion for the Federal Prison System. This funding level includes \$372.7 million for buildings and facilities costs for penal and correctional use. Compared to the FY2007 enacted level of funding, the FY2008 appropriation represents a decrease of \$22.7 million. However, the enacted FY2008 funding for BOP is \$61.6 million more than the President's FY2008 budget request.

The Administration's FY2008 budget request included \$5.364 billion for funding the Federal Prison System, nearly \$84.3 million less than the FY2007 appropriation of \$5.448 billion.⁹⁴ The Senate-passed bill would have provided the BOP with nearly \$5.649, or an increase of \$200.7 million above the FY2007 appropriation and \$285 million above the FY2008 request. The House-passed bill would have provided BOP with \$5.269 billion, a decrease of \$179.3 million below the FY2007 appropriation, \$95 million below the FY2008 request, and almost \$380 million below the amount in the Senate-passed bill.

Office on Violence Against Women (OVW)

The OVW administers programs providing financial and technical assistance to communities around the country to facilitate the creation of programs, policies, and practices designed to improve criminal justice responses related to domestic violence, dating violence, sexual assault, and stalking.

For FY2008, the OVW appropriation is \$400 million.⁹⁵ This amount increases funding for OVW programs by \$17.4 million over the Office's FY2007 appropriation and exceeds the amount requested in the FY2008 President's budget request by \$30 million. In addition, Congress did not sanction the Administration's proposal to create a single consolidated, competitive grant program (described below).

By comparison, the President's budget request for FY2008 included \$370 million for OVW, \$12.6 million less than FY2007 appropriations of \$382.6 million. The Administration's FY2008 budget request for the OVW also included a proposal to consolidate all of OVW's current formula and discretionary grant programs into a single grant program. Grants under the proposed consolidated program would be awarded on a competitive basis to state, local, and tribal governments. State, local, and tribal governments receiving grants could use the funding in one or more of several proposed purpose areas, including

- combating violent crimes against women;
- encouraging arrest policies and enforcement of protection orders;
- providing legal assistance to victims;
- combating domestic violence, dating violence, sexual assault, and stalking on college campuses;
- preventing victimizations in rural areas;
- enhancing training and services to end violence and abuse towards elderly and disabled women;
- supporting safe haven programs;
- supporting violence and abuse prevention program on tribal lands;
- funding stalking databases; and
- supporting comprehensive approaches to sex offender management.

Grants awarded under the proposed program could be used to support state, local, territorial and tribal efforts to develop and coordinate prevention efforts and prosecution of domestic violence, dating violence, sexual assault and stalking, along with supporting related victim services.

⁹⁴ This amount includes \$17 million in FY2007 emergency appropriations (P.L. 110-28).

⁹⁵ P.L. 110-161 rescinds \$14.7 million of unobligated balances from prior year appropriations for OVW.

The Senate-passed bill would have provided \$400 million⁹⁶ for OVW, \$30 million more than the President's FY2008 budget request and \$17.4 million over the FY2007 appropriation. The House-passed bill would have provided \$459 million for OVW in FY2008,⁹⁷ an amount that would have exceeded the FY2007 appropriation by \$76.4 million, the FY2008 request by almost \$89 million, and the Senate bill by \$59 million. Neither the Senate- nor House-passed bills included endorsements of the Administration's proposal to create a consolidated, competitive grant program, and instead stated that the current OVW program operations were proven and successful programs as established by Congress when OVW was reauthorized in 2005.

Office of Justice Programs (OJP)

The OJP manages and coordinates the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crimes, Bureau of Justice Assistance, and related grant programs.

For FY2008, the Consolidated Appropriations Act, 2008 (P.L. 110-161) provides \$2.282 billion⁹⁸ for OJP programs and activities, \$247 million less than what was appropriated for OJP in FY2007. By comparison, the Administration's FY2008 request included just under \$1.105 billion in total funding, nearly \$1.424 billion less than the FY2007 appropriation of \$2.529 billion.⁹⁹ Hence, the FY2008 enacted level of funding provided by Congress for OJP is \$1.177 billion greater than the Administration's request.

The Senate-passed bill would have provided just over \$2.800 billion for OJP, an amount \$1.695 billion greater than proposed under the President's FY2008 budget request and \$272 million greater than the FY2007 appropriation. The House-passed bill would have provided \$2.830 billion for OJP programs and activities, a funding level that would have exceeded the FY2007 appropriation by \$301.5 million and the FY2008 request by \$1.725 billion. The House-passed bill would have also exceeded the Senate-passed bill by \$30 million.¹⁰⁰

⁹⁶ Senator Mikulski amended H.R. 3093 to provide an additional \$10 million for the OVW. See S.Amdt. 3233, *Congressional Record*, daily edition, vol. 153, (October 4, 2007), pp. S12713, S12748-12749.

⁹⁷ Three amendments to the House-passed bill were passed that increased funding for the OVW by \$29 million over the House-reported amount of \$430 million. Representative Capito offered an amendment (agreed 243-186, Roll No. 727) that increased this amount by \$10 million by reducing funding for the National Science Foundation by the same amount. Representative Inslee offered an amendment (agreed 412-18, Roll No. 730) that increased OVW funding by \$14 million by reducing funding for Justice's General Administration account by the same amount. Representative Reichert offered an amendment (agreed 405-25, Roll No. 732) that increased funding for the OVW by \$5 million by reducing funding in Commerce's Departmental Management account by the same amount. See H.Amdt. 659, H.Amdt. 664, and H.Amdt. 669, *Congressional Record*, daily edition, vol. 153 (July 25, 2007), pp. H8456-8458, H8492; H8470-8471, H8494; and H8478-8480, H8495-8496.

⁹⁸ P.L. 110-161 rescinds \$87.5 million from OJP unobligated balances from prior year appropriations.

⁹⁹ The total FY2007 appropriations for OJP include a \$50 million emergency appropriations for state and local law enforcement (P.L. 110-28), described below.

¹⁰⁰ The President's request and the Senate- and House-passed bills included a proposed rescission of \$87.5 million for OJP of unobligated balances from prior year appropriations. In addition, the House-passed bill would have rescinded \$86 million department-wide for OJP from prior year appropriations. By comparison, the Senate-passed bill would have rescinded an additional \$140 million from prior year appropriations to make additional amounts available for COPS (\$110 million), Boys and Girls Clubs (\$15 million), and Drug Courts (\$15 million). The Senate-passed bill also included an amendment (S.Amdt. 3220) that would have provided an additional \$5 million of budget authority for the Juvenile Justice account that was to be offset by a reduction in DOJ's JIST account.

Justice Assistance

The FY2008 enacted amount for Justice Assistance is \$196 million, \$42 million less than the FY2007 appropriation, but about \$29 million more than the FY2008 request. The enacted amount includes \$37 million for the National Institute of Justice (NIJ); \$35 million for the Bureau of Justice Statistics (BJS); \$40 million for the Regional Information Sharing Systems (RISS); and \$50 million for missing and exploited children. This amount also includes \$11 million under the Justice Assistance account to support state and local law enforcement agencies in the prevention, investigation and prosecution of Internet, high-tech and economic crimes.

The Administration's FY2008 budget request included nearly \$167.3 million in funding for Justice Assistance, \$70.7 million less than appropriated in FY2007. This requested amount would have provided \$55.7 million for NIJ; \$61.5 million for BJS, \$38.5 million for RISS, and \$11.6 million for the administration of the Office of Victims of Crime. The FY2008 request included a proposal to transfer the Victim Notification and National White Collar Crime Center from Justice Assistance to the Byrne Memorial Justice Assistance Grants (JAG) program account, and the missing and exploited children program account to the Juvenile Justice program account.

The Senate-passed bill would have provided \$240 million for Justice Assistance, almost \$1.7 million more than the FY2007 appropriation and \$72.7 million more than the President's FY2008 request. The Senate bill included \$60 million for NIJ, \$10 million for BJS, \$60 million for RISS, \$25 million for the State Automated Victim Notification System, \$10 million for the Office of Victims of Crime, and \$65 million for missing and exploited children.

The House-passed bill would have provided \$250 million for Justice Assistance, \$11.7 million more than the FY2007 appropriation, \$82.7 million more than the FY2008 budget request, and \$10 million more than the Senate-passed bill. The House bill included \$60 million for NIJ, \$45 million for BJS, \$50 million for RISS, \$12 million for the State Automated Victim Notification System, \$61.4 million for the Missing Children Program. The House-passed bill also included \$10 million under the Justice Assistance account to support state and local law enforcement agencies in the prevention, investigation and prosecution of Internet, high-tech and economic crimes, including fraud and identity theft, as well as anti-piracy and counterfeiting enforcement.

State and Local Law Enforcement Assistance

The FY2008 enacted amount for state and local law enforcement assistance is \$1.008 billion. This amount is \$278.7 million less than the FY2007 appropriation, but almost \$458 million more than the Administration's FY2008 request. In the joint explanatory statement, Congress included the following FY2008 funding allocations:¹⁰¹

- \$170.4 million for the Byrne Memorial JAG program, of which \$2 million would be provided for NIJ and \$2 million would be for training to improve state and local law enforcement's intelligence capabilities;
- \$187.5 million for Byrne Discretionary Grants;
- \$16 million for Byrne Competitive Grants;
- \$22.4 million for Indian Tribal Assistance;
- \$410 million for the State Criminal Alien Assistant Program (SCAAP);
- \$30.1 million for the Southwest Border Prosecutor Initiative;

¹⁰¹ *Congressional Record*, daily edition, vol. 153 (December 17, 2007), p. H15800.

- \$2.8 million for the Northern Border Prosecutor Initiative;
- \$9.4 million for Victims of Trafficking;
- \$9.4 million for State Prison Drug Treatment;
- \$15.2 million for Drug Courts;
- \$7 million for a Prescription Drug Monitoring Program.
- \$17.9 million for Prison Rape Prevention and Prosecution;
- \$940 thousand for Missing Alzheimer's Patients Program;
- \$6.5 million for the Mental Health Courts;
- \$2.5 million for the Capital Litigation Improvement Grant Program (§§421, 422, 426 of P.L. 108-405); and
- \$100 million for 2008 Presidential Conventions Security.

As reflected in both the House- and Senate-passed bills, Congress did not follow the Administration's proposal to consolidate state and local law enforcement programs into a single competitive grant program.

As part of its FY2008 budget package, the Administration proposed consolidating programs and funding under the State and Local Law Enforcement Assistance account into two new grant programs: the Violent Crime Reduction Partnership Initiative and the Byrne Public Safety and Protection (Byrne) program. Under the Violent Crime Reduction Partnership Initiative, OJP would have awarded grants on a competitive basis to communities seeking to establish partnerships between federal, state, and local law enforcement to investigate and reduce violent crime. Partnerships funded under the proposed grant program could include efforts to address drug trafficking and gang crime. Under the Byrne program, most OJP law enforcement assistance grant programs would have been consolidated into a single grant program that would also have been awarded to state, local, and tribal governments on a competitive basis. Under the proposed Byrne program, OJP would have focused its assistance on those jurisdictions experiencing significant criminal justice problems and assist state and local governments in addressing a number of high-priority criminal justice concerns, such as:

- reducing violent crime at local levels through Project Safe Neighborhoods;
- addressing the criminal justice issues involving substance abuse treatment through drug courts, residential treatment programs for inmates, prescription drug monitoring programs, methamphetamine lab clean-up, and cannabis eradication efforts;
- promoting and enhancing law enforcement information sharing efforts;
- improving the capacity of state and local law enforcement and justice system personnel to make use of forensic evidence and reducing the DNA backlog;
- addressing trafficking of persons;
- improving and expanding prisoner re-entry initiatives; and
- improving services to victims of crime to facilitate their participation in the legal process.

Under the proposed Byrne program, state, local, and tribal governments would have been allowed to use funding for several proposed program purpose areas, most of which would have been derived from current OJP grant programs to address arguably the particular needs of their jurisdiction. For state and local law enforcement assistance, the Administration's FY2008 request

included \$550.0 million, of which \$200 million was for the Violent Crime Reduction Partnership and \$350 million was for the Byrne program. This amount was \$736.8 million below FY2007 enacted level of \$1.287 billion¹⁰² for state and local law enforcement.

The Senate-passed bill would have provided FY2008 funding of \$1.430 billion for state and local law enforcement assistance,¹⁰³ \$143.2 million more than the FY2007 appropriation and \$880 million more than the FY2008 budget request. In report language, Senate appropriators included the following allocations:

- \$660 million for Byrne Memorial JAG program, of which \$75 million would be allocated to the Boys and Girls Clubs¹⁰⁴ and \$5 million would be allocated to state and local law enforcement anti-terrorism training;
- \$420 million for SCAAP, of which \$30 million was for the Southwest Border Prosecution Initiative and \$20 million was for a Northern Border Prosecutor Initiative;
- \$190 million for Byrne Discretionary Grants;
- \$5 million for a Prescription Drug Monitoring Program;
- \$1 million for the Missing Alzheimer's Patients Program;
- \$15 million for Victims of Trafficking;
- \$10 million for State Prison Drug Treatment;
- \$40 million for Drug Courts;¹⁰⁵
- \$15 million for Court Appointed Special Advocates;
- \$4 million for child abuse training programs for judicial personnel and practitioners;
- \$5 million for Prison Rape Prevention and Prosecution;
- \$5 million for National Crime Victim Law Institute;
- \$28 million for Indian Tribal Assistance;
- \$2 million for National Sex Offender Registry;
- \$10 million for Mental Health Courts; and
- \$25 million for Capital Litigation.

The House-passed bill would have provided \$1.380 billion for state and local law enforcement assistance, \$93.2 million more than the FY2007 appropriation, and \$830 million more than the

¹⁰² This amount includes a \$50 million Emergency appropriations (P.L. 110-28).

¹⁰³ This amount would have included \$30 million provided by two amendments offered by Senator Patty Murray and Senator Kyl to H.R. 3093 for the Southwest and Northern Border Prosecutor Initiatives, which was offset by a reduction to DOJ's General Administration account. See S.Amdt. 3218 and S.Amdt. 3283, *Congressional Record*, daily editions, vol. 153 (October 4 and 16, 2007), pp. 12749-12750 and p. S12913, respectively.

¹⁰⁴ This amount reflects an amendment offered by Senator Patrick Leahy to provide an additional \$15 million for Boys and Girls Clubs that was offset by a rescission of unobligated balances from prior year appropriations. See S.Amdt. 3249, *Congressional Record*, daily edition, vol. 153 (October 16, 2007), pp. S12907-12908, S12913-12915.

¹⁰⁵ This amount reflects an amendment offered by Senator Byron Dorgan to provide an additional \$15 million for Drug Courts that was offset by rescinding \$15 million from unobligated balances from prior year appropriations. See, S.Amdt. 3227, *Congressional Record*, daily edition, vol. 153 (October 4, 2007), p. S12712.

FY2008 budget request, but \$50 million less than the Senate-passed bill. In report language, House appropriators included the following allocations:

- \$600 million for the Byrne Memorial JAG program, of which \$10 million would be provided for NIJ and \$25 million would be for security associated with the 2008 Presidential Candidate Nominating Conventions;
- \$31 million for Indian Tribal Assistance;
- \$460 million for SCAAP;¹⁰⁶
- \$40 million for the Southwest Border Prosecutor Initiative;¹⁰⁷
- \$124.5 million for Byrne Discretionary Grants;
- \$40 million for Drug Courts;
- \$1 million for Missing Alzheimer's Patients Program;
- \$15 million for Victims of Trafficking;
- \$7.5 million for a Prescription Drug Monitoring Program;
- \$25 million for Prison Rape Prevention and Prosecution;
- \$10 million for State Prison Drug Treatment;
- \$5 million for intelligence sharing;
- \$1 million for Capital Litigation;
- \$10 million for the Mental Health Courts; and
- \$10 million for Sex Offender Management Assistance.

Weed and Seed Program

The Weed and Seed program is designed to provide grants to help communities build stronger, safer neighborhoods by implementing local-level approaches to solve and prevent crime problems. The program provides assistance for community-based strategies of “weeding and seeding” activities based on the premise that leaders from neighborhood and community organizations, including faith-based organizations, law enforcement and private enterprise, must be involved in leveraging resources to solve community problems at the local level. Site funding generally provides resources for “weeding” activities, which include joint law enforcement operations and community policing, and “seeding” activities, which range from prevention activities, including physically improving the neighborhood and economic development.

For FY2008, the enacted level of funding for the Weed and Seed program is \$32 million, \$17 million less than the FY2007 appropriation. The Administration's FY2008 budget request did not include specific funding for the Weed and Seed program. The Senate-passed bill would have provided \$50 million for the Weed and Seed program, an increase of \$639 thousand over the FY2007 appropriation of \$49.4 million. The House-passed bill would have provided \$49.7

¹⁰⁶ Representative Lofgren offered an amendment (agreed to 388-39, Roll No. 725) that increased the amount for SCAAP by \$55 million (over the \$405 million included in the reported bill) by reducing funding for the Commerce's Departmental Management by \$25 million, for Justice's General Administration by \$25 million, and FBI construction by \$5 million. See *Congressional Record*, daily edition, vol. 153 (July 25, 2007), pp. H8443-8447, H8465-8466.

¹⁰⁷ Representative Capito offered an amendment (agreed to 229-196, Roll No. 722) that increased the amount for the Southwest Border Prosecutor Initiative by \$10 million (over the \$30 million included in the reported bill) by reducing funding for the Census Bureau by the same amount. See H.Amdt. 645, *Congressional Record*, daily edition, vol. 153 (July 25, 2007), pp. H8435-8437, H8463-8464.

million for Weed and Seed for FY2008,¹⁰⁸ \$331 thousand more than the FY2007 appropriation, but \$308 thousand less than the Senate-passed bill.

Community Oriented Policing Services

The enacted FY2008 budget for the Community Oriented Policing Services (COPS) Office is \$587 million.¹⁰⁹ This amount is \$45 million more than the FY2007 appropriation and \$555 million more than the Administration's FY2008 request. In the joint explanatory statement, for various COPS programs and initiatives, Congress included the following allocations:¹¹⁰

- \$20 million for COPS hiring grants (*Cops on the Beat*);
- \$205.4 million for Law Enforcement Technology and Interoperability grants;
- \$20 million for a violent gang and gun crime reduction program;
- \$61.2 million for the Meth Hot Spots program;
- \$25.9 million for Bulletproof Vests;
- \$15 million for Tribal Law Enforcement;
- \$9.4 million for the Criminal History Record Upgrades program;
- \$11.8 million for Offender Re-entry;
- \$152.3 million for DNA backlog reduction;
- \$19 million for the Paul Coverdell forensic science grant program;
- \$11.8 million for offender reentry;
- \$15.6 million for child sexual predator elimination and sex offender management;
- \$3.8 million for training and technical assistance; and
- 28.2 million for management and administration.

The Administration's FY2008 budget request included \$32.3 million for the COPS Office, of which \$28.3 million was for program management and administration and \$4 million for training and technical assistance.¹¹¹ For FY2007, Congress appropriated \$541.8 million for the COPS.

For COPS, the Senate-passed bill would have provided \$660 million,¹¹² nearly \$118.2 million more than appropriated in FY2007 and almost \$627.7 million more than the President's FY2008 budget request. In report language, Senate appropriators included the following FY2008 funding allocations:

- \$25 million for Bullet Proof Vests;
- \$35 million for Tribal Law Enforcement;

¹⁰⁸ This amount is included in the \$725 million proposed in the House-passed bill's FY2008 funding for COPS, discussed below.

¹⁰⁹ From COPS, P.L. 110-161 rescinds \$87.5 million in unobligated balances from prior year appropriations, and \$10.3 million in unobligated funds from prior year appropriations in the Violent Crime Reduction Trust Fund.

¹¹⁰ *Congressional Record*, daily edition, vol. 153 (December 17, 2007), p. H15807-H15813.

¹¹¹ The President's request included a proposed rescission of \$87.5 million for COPS of unobligated balances from prior year appropriations.

¹¹² This amount reflected an amendment offered by Senator Joseph Biden to provide an additional \$110 million that was offset by rescinding unobligated balances from prior year appropriations. See S.Amdt. 3256, *Congressional Record*, daily edition, vol. 153 (October 15, 2007), pp. S12835, S12852. The Senate-passed bill also included a rescission of \$37.5 million of unobligated balances in the COPS program from prior year appropriations.

- \$80 million for the Meth Hot Spots program;
- \$110 million for Law Enforcement Technology and Interoperability grants;
- \$5 million for the Criminal History Records Upgrade program;
- \$10 million for Offender Re-entry;
- \$169 million for DNA Backlog and Crime Lab improvement;
- \$40 million for Paul Coverdell Forensic Sciences Improvement grants;
- \$5 million for the National District Attorneys Association to conduct prosecutorial training by the National Advocacy Center;
- \$55 million for Child Sexual Predator Elimination grants;
- \$110 million for the COPS hiring program;
- \$6 million for training and technical assistance; and
- \$11 million for program management and administration.

The House-passed bill would have provided \$725.0 million¹¹³ in FY2008 funding for COPS, an amount that would have included \$49.7 million for the Weed and Seed program (described above). In report language, House appropriators included the following allocations:

- \$30 million for Bulletproof Vests;
- \$18 million for Tribal Law Enforcement;
- \$85 million for the Meth Hot Spots program;
- \$128 million for Law Enforcement Technology and Interoperability grants;
- \$12 million for the Criminal History Record Upgrades program;
- \$15 million for Offender Re-entry;
- \$175 million for DNA backlog reduction;
- \$100 million for the COPS hiring program;
- \$80 million for Violent Gang and Gun Crime Reduction;
- \$4 million for training and technical assistance; and
- \$28.3 million for program management and administration.

Compared to the Senate-passed bill, the House-passed bill would have provided \$65 million more in FY2008 funding for COPS.

Juvenile Justice Programs

The enacted FY2008 funding level is \$384 million for Juvenile Justice programs. This amount is nearly \$45 million more than the FY2007 appropriation and it is \$103.5 million more than the Administration's FY2008 request. In the joint explanatory statement, Congress included the following FY2008 Juvenile Justice program funding allocations:¹¹⁴

- \$51.7 million for the Juvenile Accountability Block Grant (JABG);
- \$74.3 million for the State Formula Grants;

¹¹³ The House-passed bill would have rescinded \$87.5 million for COPS of unobligated recoveries from prior year appropriations, and \$10.3 million of unobligated funds from prior year appropriations for the COPS Violent Crime Reduction Trust Fund.

¹¹⁴ *Congressional Record*, daily edition, vol. 153 (December 17, 2007), pp. H15813-H15818.

- \$93.8 million for Discretionary Grants under Part E - Demonstration Programs;
- \$61.1 million for Title V Incentive Grants, which includes \$19 million for Gang Prevention through the Gang Resistance Education and Training (GREAT), \$14 million for the Tribal Youth Program, and \$25 million for Enforcing Underage Drinking Laws;
- \$15 million for the Secure Our Schools Act to ensure school safety and crime deterrence;
- \$16.9 million for programs authorized under the Victims of Child Abuse Act (P.L. 101-647); and
- \$70 million for the Juvenile Mentoring Programs.

As reflected in both the House- and Senate-passed bills, Congress did not approve of the Administration's proposal to consolidate Juvenile Justice programs into a single competitive grant program.

For FY2008, the Administration's proposal would have consolidated existing juvenile justice and exploited children grant programs into a single Child Safety and Juvenile Justice program. Grants under the proposed Child Safety and Juvenile Justice program would have been awarded to state and local governments through a competitive award process. Grants awarded to state and local governments under the proposed program would have allowed state and local government to fund a multitude of juvenile justice and child safety programs. Grant funds under the proposed program would have been used by state and local governments in one or more of several proposed program purpose areas, including

- preventing online exploitation of children (Project Child Safe);
- controlling and apprehending sex offenders;
- supporting efforts to prevent and control juvenile delinquency and improve the juvenile justice system;
- improving school security;
- preventing the misuse of guns by juveniles;
- funding the Missing and Exploited Children Program;
- funding Internet Crimes Against Children (ICAC) task forces;
- supporting AMBER alert programs;
- supporting the Boys and Girls Club of America;
- supporting the development and use of Closed Circuit Television (CCTV) testimony of children in child abuse cases; and
- supporting the Court Appointed Special Advocate (CASA) program.

For FY2008, the President's budget request included \$280 million for the proposed consolidated juvenile justice program, an amount that was \$119.9 million less than FY2007 enacted appropriations of \$338.4 million.

The Senate-passed bill would have provided Juvenile Justice programs with \$345 million,¹¹⁵ \$6.6 million more than the enacted appropriation for FY2007 and \$65 million more than the FY2008 budget request. In report language, Senate appropriators included the following allocations:

¹¹⁵ This amount reflected an amendment offered by Senator Robert Menendez to provide an additional \$5 million for

- \$80 million for JABG;
- \$73 million for the State Formula Grants;
- \$76.5 million for Discretionary Grants under Part E - Demonstration Programs;
- \$65 million for Title V Incentive Grants, which includes \$5 million for Big Brothers and Big Sisters, \$25 million for Incentive Grants, \$10 million for the Tribal Youth Program, and \$25 million for Enforcing Underage Drinking Laws;
- \$10 million for the GREAT program;
- \$10 million for the Secure Our Schools Act to ensure school safety and crime deterrence;
- \$20 million for programs authorized under the Victims of Child Abuse Act (P.L. 101-647); and
- \$10 million for Juvenile Mentoring programs.¹¹⁶

The House-passed bill would have provided FY2008 funding for Juvenile Justice programs of \$399.9 million, \$61.5 million more than enacted appropriations for FY2007, \$119.9 million more than the Administration's FY2008 budget request, and \$54.9 million more than the Senate-passed bill. In report language, House appropriators included the following allocations:

- \$60 million for JABG;
- \$81.2 million for the State Formula Grants;
- \$53 million for Discretionary Grants under Part E - Demonstration Programs;
- \$70 million for Title V Incentive Grants, which includes \$25 million for the GREAT program, \$17.5 million for the Tribal Youth Program, and \$25 million for Enforcing Underage Drinking Laws;
- \$20 million for the Secure Our Schools Act to ensure school safety and crime deterrence;
- \$15 million for programs authorized under the Victims of Child Abuse Act (P.L. 101-647); and
- \$100 million for the Juvenile Mentoring Programs.

Related Legislation

P.L. 110-180; H.R. 2640 (McCarthy)

NICS Improvement Amendment Act 2007. H.R. 2640 was introduced by Representative Carolyn McCarthy and co-sponsored by Representative John Dingell. As passed by the House, by a voice vote, on June 13, 2007, H.R. 2640 reportedly reflected a compromise between groups favoring and opposing greater gun control.¹¹⁷ The Senate Judiciary Committee approved similar, but not identical, NICS improvement amendments as part of the School Safety and Law Enforcement Improvement Act of 2004 on August 2, 2007, and reported this bill on September 21, 2007 (S. 2084; S.Rept. 110-183). Following lengthy negotiations, the Senate amended and passed the

juvenile mentoring programs that was offset by a reduction in JIST program funding under DOJ's General Administration account. See S.Amdt. 3220, *Congressional Record*, daily edition, vol. 153 (October 4, 2007), pp. S12711-12712.

¹¹⁶ Ibid.

¹¹⁷ Jonathan Weisman, "Democrats, NRA Reach Deal on Background-Check Bill," *Washington Post*, June 10, 2007, p. A02.

NICS Improvement Amendments Act of 2007 (H.R. 2640), as did the House, on December 19, 2007, clearing that bill for the President's signature. President Bush signed this bill into law on January 8, 2008 (P.L. 110-180).

P.L. 110-180 strengthens a provision in the Brady Handgun Violence Prevention Act (P.L. 103-159) that require federal agencies to provide, and the Attorney General to secure, any government records with information relevant to determining the eligibility of a person to receive a firearm. As a condition of federal assistance, P.L. 110-180 requires states to make available to the Attorney General certain records that disqualify persons from acquiring a firearm for inclusion in NICS, particularly those records related to convictions for misdemeanor crimes of domestic violence and persons adjudicated as mentally defective.¹¹⁸ P.L. 110-180 also requires states, as a condition of federal assistance, as well as federal agencies like the Department of Veterans Affairs (VA), to establish administrative relief procedures under which a person who has been adjudicated mentally defective could apply to have his firearms possession and transfer eligibility restored.¹¹⁹ In addition, P.L. 110-180 includes two authorizations to increase appropriations for federal assistance for improving access to disqualifying records by \$1.313 billion over five years, including \$187.5 million for FY2009.

H.R. 660 (Conyers)/S. 378 (Leahy)

Court Security Improvement Act of 2007. Amends current law to strengthen and improve judicial security through measures that would (1) improve judicial security measures and increase funding for judicial security, (2) amend the criminal code to provide greater protection for judges, their family members and witnesses, and (3) provide grant funding for states to provide protection for judges and witnesses. H.R. 660 was ordered to be reported by the House Judiciary Committee on June 13, 2007, and the House passed this bill on July 10, 2007. S. 378 was considered and reported by the Senate Judiciary Committee on April 18, 2007 and passed by the Senate on April 19, 2007.

H.R. 1592 (Conyers)/S. 1105 (Kennedy)

Local Law Enforcement Hate Crimes Prevention Act of 2007. Authorizes grants for state, local, and tribal law enforcement for extraordinary expenses of investigating hate crimes. Provides technical, forensic, prosecutorial, and other forms of assistance to local law enforcement agencies for investigating and prosecuting hate crimes. Following hearings on the bill on April 17, 2007, the bill was reported by the House Judiciary Committee on April 30, 2007, and passed by the House on May 3, 2007. Language similar to S. 1105 was amended to the FY2008 Defense Authorization Act (H.R. 1585). The Senate passed this bill on October 1, 2007, but the hate crime provisions were not included in the H.R. 1585 conference agreement.

H.R. 1593 (Conyers)/S. 1060 (Biden)

Second Chance Act of 2007. Amends current law to reauthorize the adult and juvenile state and local reentry demonstration projects; provides for improvements in the offender residential

¹¹⁸ Under 27 CFR 478.11, the term "adjudicated as mental defective" includes a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease (1) is a danger to himself or others, or (2) lacks the mental capacity to manage his own affairs. The term also includes (1) a finding of insanity by a court in a criminal case and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876(b).

¹¹⁹ Federal law authorizes the Attorney General to consider applications from prohibited persons for relief from disqualification (18 U.S.C. §925(c)). Since FY1993, however, Congress has attached an appropriations rider on the ATF salaries and expenses account that prohibits the expenditure of any funding under that account to process such applications.

substance abuse treatment for state offenders; establishes state and local reentry courts, establishes grants for state and local prosecutors to develop, implement, or expand qualified drug treatment program alternatives to imprisonment; and provides grants for the establishment of family substance abuse treatment alternatives to incarceration. After hearings on H.R. 1593 on March 20, 2007, the bill was marked up by the Subcommittee on Crime, Terrorism, and Homeland Security on March 28, 2007, and reported by the House Judiciary Committee on May 9, 2007.

H.R. 1700 (Weiner)/S. 368 (Biden)

COPS Improvements Act of 2007. Amends current law to expand the scope of COPS grant programs, change the COPS program into a multi-grant program instead of a single-grant program, and authorize additional funding for COPS. H.R. 1700, as amended by the House Judiciary Committee, was reported on May 2, 2007, and passed by the House on May 15, 2007. S. 368 was referred to the Senate Judiciary Committee and reported out of the Committee without amendment on May 24, 2007.

H.R. 1759 (Bono)

Managing Arson Through Criminal History (MATCH) Act of 2007. Establishes guidelines and incentives for states to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program. After a hearing on H.R. 1759 on October 6, 2007, the bill was marked up by the Subcommittee on Crime, Terrorism, and Homeland Security, and reported by the House Judiciary Committee on December 4, 2007. The bill was passed by the House on December 5, 2007 by voice vote. The bill has been referred to the Senate Committee on Judiciary.

S. 456 (Feinstein)

Gang Abatement and Prevention Act of 2007. Amends current law to create new criminal penalties for gang-related crimes, authorize grants for gang prevention activities, as well as for federal, state, and local law enforcement cooperation in fighting gangs, and for hiring 94 assistant U.S. Attorneys to be deployed in “high intensity interstate gang activity” areas. S. 456, was passed by the Senate on September 21, 2007.

Related CRS Products

CRS Report RL33308, *Community Oriented Policing Services (COPS): Background, Legislation, and Issues*, by Nathan James.

CRS Report RS22416, *Edward Byrne Memorial Justice Assistance Grant Program: Legislative and Funding History*, by Nathan James.

CRS Report RL32824, *Federal Crime Control: Background, Legislation, and Issues*, by Kristin M. Finklea and Lisa M. Seghetti.

CRS Report RL32842, *Gun Control Legislation*, by William J. Krouse.

CRS Report RS22458, *Gun Control: Statutory Disclosure Limitations on ATF Firearms Trace Data and Multiple Handgun Sales Reports*, by William J. Krouse.

CRS Report RL33403, *Hate Crime Legislation*, by William J. Krouse.

CRS Report RL34050, *Missing and Exploited Children: Background, Policies, and Issues*, by Adrienne L. Fernandes.

CRS Report RL33400, *Youth Gangs: Background, Legislation, and Issues*, by Celinda Franco.

CRS Report RL33033, *Intelligence Reform Implementation at the Federal Bureau of Investigation: Issues and Options for Congress*, by Alfred Cumming.

CRS Report RS22070, *Juvenile Justice: Overview of Legislative History and Funding Trends*, by Blas Nuñez-Neto.

CRS Report RS22655, *Juvenile Justice Funding Trends*, by Blas Nuñez-Neto.

CRS Report RL33947, *Juvenile Justice: Legislative History and Current Legislative Issues*, by Blas Nuñez-Neto.

CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Recent Legislation and Issues*, by Garrine P. Laney.

CRS Report RL33011, *Terrorist Screening and Brady Background Checks for Firearms*, by William J. Krouse.

CRS Report RL32579, *Victims of Crime Compensation and Assistance: Background and Funding*, by Celinda Franco.

CRS Report RL30871, *Violence Against Women Act: History and Federal Funding*, by Garrine P. Laney.

Science Agencies

Science agencies include the White House's Office of Science and Technology Policy, National Aeronautics and Space Administration (NASA), and National Science Foundation. For these Science agencies, as **Table 7** shows, Congress has appropriated \$23.38 billion for FY2008, or \$1.173 billion more than the FY2007 appropriation of \$22.207 billion (a 5.3% increase), but \$364 million less than the Administration's budget request of \$23.744 billion. NASA accounts for 74% of the total amount enacted for FY2008 for science agencies.

The FY2008 request for science agencies was \$23.744 billion, or \$1.537 billion more than the FY2007 enacted amount for those agencies (a proposed 6.9% increase). The House-passed bill would have provided \$24.127 billion, or \$1.920 billion more than that FY2007 amount (an 8.6% increase). The Senate-passed bill would have provided \$25.019 billion, or \$2.812 billion more than the FY2007 amount (a 12.7% increase). The Senate-passed amount for NASA included \$1 billion in emergency funding.

Table 7. Funding for Science Agencies
(budget authority in millions of dollars)

Accounts	FY2007 Enacted ^a	FY2008 Request	House- Passed	Senate- Passed	FY2008 Enacted
Office of Science and Technology Policy	5.5	5.5	5.5	5.7	5.2
NASA	16,284.3	17,309.4	17,622.5	18,459.6 ^b	17,309.4
National Science Foundation	5,917.2	6,429.0	6,499.0	6,553.4	6,065.0
Total: Science Agencies	22,207.0	23,743.9	24,127.0	25,018.7^b	23,379.6

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; and for FY2008 enacted amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

- a. The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- b. Includes \$1 billion in emergency funding for NASA return to flight initiative.

Office of Science and Technology Policy (OSTP)¹²⁰

The OSTP is one of two offices in the Executive Office of the President (EOP) that are funded in the CJS appropriations bill.¹²¹ Established in 1976 by P.L. 94-282,¹²² the OSTP provides advice within the EOP on scientific and technical aspects of policy issues, assists in the development of the federal R&D budget, coordinates and evaluates federal R&D programs, and consults with non-federal entities on science and technology matters. Dr. John H. Marburger, III is the Director of OSTP and Science Adviser to the President.

The Consolidated Appropriations Act, 2008 (P.L. 110-161), as passed by Congress, provides \$5.2 million for the OSTP, less than the President's request. An additional \$2.2 million appropriated to the National Science Foundation is to be subsequently transferred to the OSTP for costs related to the Science and Technology Policy Institute, OSTP's federally funded research and development center. As also required in Senate report language, the joint explanatory statement accompanying P.L. 110-161 directs the OSTP to provide to the committees, within 90 days of enactment, a five year strategic budget plan in response to the National Research Council's decadal survey on earth science and space applications.¹²³

For FY2008, the President's budget requested \$5.5 million for OSTP, \$13 thousand less than the FY2007 enacted funding level.¹²⁴ The House committee supported funding at the President's request. The House committee report directed the OSTP to provide to the committee a report on current and future needs regarding U.S. icebreaking capability. The House-passed bill included \$5.5 million for the OSTP, the same as the President's request. The Senate committee recommended \$5.7 million for the OSTP, \$200 thousand more than the President's request. Report language directed that \$200 thousand be used for the creation of an Associate Director for Earth Science and Applications, who would coordinate all federal assets directed at understanding the Earth's oceans and climate. The Senate-passed bill included \$5.7 million for the OSTP.

Policy issues related to OSTP include its oversight and coordination of interagency R&D activities, such as the National Nanotechnology Initiative and the American Competitiveness Initiative, its role in maintaining the nation's international scientific stature, and its leadership in federal support of science and mathematics education.

National Aeronautics and Space Administration (NASA)¹²⁵

NASA was created by the 1958 National Aeronautics and Space Act (P.L. 85-568) to conduct civilian space and aeronautics activities. The agency is managed from headquarters in

¹²⁰ This section was prepared by Dana A. Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

¹²¹ The other is the Office of the United States Trade Representative.

¹²² The National Science and Technology Policy and Organization Act, codified at 42 U.S.C. 6611-18.

¹²³ *Congressional Record*, 110th Congress, 1st Session, December 17, 2007, H15819, Number 193.

¹²⁴ The OSTP was funded for FY2007 by P.L. 110-5, which appropriated funds at the FY2006 enacted level, subject to specific rescissions. P.L. 110-5, The Revised Continuing Appropriations Resolution, 2007.

¹²⁵ This section was prepared by Daniel Morgan, Analyst in Science and Technology Policy, Resources, Science, and Industry Division.

Washington, DC. It has nine major field centers around the country, plus the Jet Propulsion Laboratory, which is operated under contract by the California Institute of Technology. Dr. Michael Griffin became NASA Administrator in April 2005.

Table 8. Funding for NASA
(budget authority in millions of dollars)

Accounts	FY2007 Enacted ^a	FY2008 Request	House- Passed	Senate- Passed	FY2008 Enacted
Science, Aero., & Explor.	10,086.5	10,483.1	10,896.2	10,633.0	10,543.1
Exploration Capabilities	6,165.6	6,791.7	6,691.7	6,792.0	6,733.7
Inspector General	32.2	34.6	34.6	34.6	32.6
Return to Flight	—	—	—	1,000.0 ^b	—
Total: NASA	16,284.3	17,309.4	17,622.5	18,459.6	17,309.4

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; and for FY2008 enacted amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

- a. FY2007 amounts include funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5) and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- b. Designated as emergency funding.

NASA requested \$17.309 billion for FY2008, a 6.3% increase over its FY2007 appropriation. The House-passed bill would have provided \$17.623 billion.¹²⁶ The Senate-passed bill would have provided \$18.460 billion. The final appropriation equals the requested amount, \$17.309 billion.¹²⁷ See **Table 8** for a breakdown by appropriations account. A change in how NASA accounts for overhead expenses complicates comparisons between FY2008 and previous years. The new system, implemented in September 2006 and known as “full cost simplification,” increases the stated cost of some programs and decreases the stated cost of others, without affecting actual program content. The increases and decreases exactly balance, so that NASA’s total budget is unchanged, but, for any particular account or program, amounts expressed in the new system are not directly comparable with amounts expressed in the previous system. In **Table 8** and in the discussion of specific NASA programs that follows, all FY2007 amounts have been adjusted for the accounting change to make them comparable with FY2008.

Budget priorities throughout NASA are being driven by the Vision for Space Exploration, announced by President Bush in January 2004 and endorsed by Congress in the NASA Authorization Act of 2005 (P.L. 109-155). The Vision includes returning the space shuttle to flight status (already accomplished) then retiring it by 2010; completing the space station, but discontinuing U.S. use of it by 2017; returning humans to the moon by 2020; and then sending humans to Mars and “worlds beyond.” The President did not propose significantly increased funding for NASA to accomplish the Vision. Instead, most of the funding was to come from redirecting funds from other NASA activities. Moreover, subsequent NASA funding has been less than was projected at the time of the Vision announcement. The funding requirements of the Vision thus constrain other NASA programs. NASA officials stress, however, that their strategy is

¹²⁶ The House bill also rescinded \$69.8 million in unobligated funds from prior years.

¹²⁷ The final bill also rescinded \$192.5 million in unobligated funds from prior years.

to “go as we can afford to pay,” with the pace of the exploration program set, in part, by the available funding.

In the Science, Aeronautics, and Exploration (SA&E) account,¹²⁸ funding for Constellation Systems, the program responsible for developing the Orion spacecraft and Ares I launch vehicle to return humans to the moon, would have increased from \$2.550 billion in FY2007 to \$3.068 billion in the FY2008 request. The House bill would have provided the requested amount. The Senate bill would have provided a \$50 million increase for Ares I. The final FY2008 appropriation is \$2.991 billion. An initial operating capability for Orion and Ares I (i.e., a first crewed flight) is planned for early 2015.

Also in SA&E, the request for Science was \$5.516 billion, an increase of 2.7%. In late 2006, responding to concern in Congress and the scientific community about NASA support for earth science, the Science Mission Directorate (SMD) created a separate Earth Science Division. The FY2008 request included increased funding for earth science and projected further increases in FY2009 and FY2010 relative to previous plans, although most of the requested increases were to cover cost increases and schedule delays in existing missions. In SMD’s Astrophysics Division, the request deferred the Space Interferometer mission (SIM) beyond FY2012 but reinstated funding for the SOFIA airborne infrared telescope. The House bill would have provided \$5.696 billion, including increases for new earth science missions, SIM, and research and analysis throughout the directorate. The Senate bill would have provided \$5.655 billion, with the bulk of its increase devoted to earth science. The enacted FY2008 NASA budget includes \$5.547 billion, including increases for earth science, SIM, and research and analysis; these increases were partly offset by reductions in other SMD programs.

The request for Aeronautics Research in SA&E was \$554 million. This was a 23% decrease relative to the FY2007 appropriation, but both the FY2008 request and the accompanying projections through FY2011 were increased by about \$50 million per year relative to NASA’s previous plans. The House bill would have provided \$700 million, while the Senate bill would have provided the requested amount. The final appropriation is \$622 million.

The request for Exploration Capabilities consisted of \$6.792 billion for the Space Operations Mission Directorate, including the space shuttle, the space station, and the Space and Flight Support program. This was an 11% increase above the FY2007 appropriation. Most of the requested increase was an expected consequence of the space station construction schedule. In addition, the request included \$150 million for two new Tracking and Data Relay System (TDRS) satellites, which are required for ground communications with near-earth spacecraft. The increase for these satellites was approximately offset by reductions in planned reserves for the shuttle and the station. A key issue for Congress is the expected gap between the end of shuttle flights in 2010 and the planned initial availability of Orion and Ares I in 2015. Retaining NASA’s skilled workforce during the transition period will be a major challenge, especially if development of the new vehicles takes longer than planned and the gap lengthens. Some analysts worry that placing a fixed termination date on the shuttle will create schedule pressure, which was identified as a contributing factor in the 2003 *Columbia* disaster. Some also are uncomfortable with the fact that Russian spacecraft will be the only way to launch U.S. astronauts to the space station during the gap period. The House bill would have provided \$6.692 billion for Exploration Capabilities, or

¹²⁸ The House bill split SA&E into five separate accounts: Science, Aeronautics, Exploration, Education, and Cross-Agency Support Programs. NASA uses these categories in its budget justification documents, so comparisons are straightforward. The final bill did not use the new structure for FY2008, but it directed NASA to implement it beginning in FY2009.

\$100 million less than the request.¹²⁹ The bulk of the House reduction was from the TDRS procurement request. The House report stated that “this reduction should not affect the viability of the system.” The Senate bill would have provided the requested amount for Exploration Capabilities. The final bill provides \$6.734 billion.

The Senate bill would have provided an additional \$1 billion in emergency funding for expenses associated with returning the space shuttle to flight following the *Columbia* disaster. This funding is not included in the final bill.

For more on NASA’s FY2008 budget, see CRS Report RS22625, *National Aeronautics and Space Administration: Overview, FY2008 Budget in Brief, and Key Issues for Congress*, by Daniel Morgan and Carl E. Behrens.

National Science Foundation (NSF)¹³⁰

The NSF was created by the National Science Foundation Act of 1950, as amended (P.L. 81-507). The NSF has the broad mission of supporting science and engineering in general and funding basic research across many disciplines. The majority of the research supported by the NSF is conducted at U.S. colleges and universities. In addition to helping to ensure the nation’s supply of scientific and engineering personnel, the NSF promotes academic basic research and science and engineering education across many disciplines. Other federal agencies, in contrast, support mission-specific research. The NSF provides support for investigator-initiated, merit-reviewed, competitively selected awards, state-of-the-art tools, and instrumentation and facilities. Also, NSF provides almost 30% of the total federal support for science and mathematics education. Support is provided to academic institutions, industrial laboratories, private research firms, and major research facilities and centers. Although the NSF does not operate any laboratories, it does support Antarctic research stations, selected oceanographic vessels, and national research centers. In addition, the NSF supports university-industry relationships and U.S. participation in international scientific ventures.

Table 9. Funding for the National Science Foundation
(budget authority millions of dollars)

Accounts	FY2007 Enacted	FY2008 Request	House- Passed	Senate- Passed	FY2008 Enacted
Research and Related Activities	4,666.0	5,131.7	5,139.7	5,156.1	4,821.5
Major Research Equipment and Facilities Construction	190.9	244.7	244.7	244.7	220.7
Education and Human Resources	796.7	750.6	822.6	850.6	725.6
Agency Operations and Award Management	248.2	285.6	275.6	285.6	281.8
National Science Board	4.0	4.0	4.0	4.0	4.0
Office of Inspector General	11.4	12.4	12.4	12.4	11.4
Total: NSF	5,917.2	6,429.0	6,499.0	6,553.4	6,065.0

¹²⁹ The House bill referred to this account as Space Operations. The present Exploration Capabilities account funds the Space Operations Mission Directorate.

¹³⁰ This section was prepared by Christine M. Matthews, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; and for FY2008 enacted amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

As shown in **Table 9**, the Consolidated Appropriations Act, 2008 (P.L. 110-161), provides \$6.065 billion for NSF, \$147.8 million above the enacted FY2007 level, but \$364.0 million below the FY2008 budget request. Nonetheless, the act funds the Research and Related Activities (R&RA) at \$4.822 billion in FY2008, \$155.5 million above the FY2007 level, and \$310.2 million below the Administration's request. In the explanatory language accompanying the act, Appropriators agreed with the Administration's request to transfer the Experimental Program to Stimulate Competitive Research (EPSCoR) from the Education and Human Resources (EHR) to the R&RA.¹³¹ House report language directs NSF to review its policies concerning transformative research, research that is described as "cutting edge" and revolutionary.¹³² Several reports have been released recommending that NSF allocate funds specifically for this type of research. Appropriators have directed the agency to issue a report suggesting how transformative research can be included in NSF's portfolio of research activities.¹³³ Additional report language directs NSF to increase its support for physical infrastructure improvements of its academic research fleet and for aging facilities.¹³⁴ P.L. 110-161 funds Major Research Equipment and Facilities Construction (MREFC) at \$220.7 million and the EHR at \$725.6 million for FY2008.

The FY2008 request for the NSF was \$6.429 billion, an 8.7% increase over the FY2007 enacted level of \$5.917 billion. The President's American Competitiveness Initiative (ACI) included a proposal to double the NSF budget over the next 10 years. The FY2008 request would have been another installment toward that doubling effort. NSF asserted that international research partnerships are critical to the nation in maintaining a competitive edge, and capitalizing on global economic opportunities. To address these needs, the Administration requested \$45.0 million for the Office of International Science and Engineering. Also, NSF is the lead agency supporting polar research. A focus of planned polar research, requested at \$464.9 million in FY2008, is to be in climate change and environmental observations.

Included in the FY2008 request was \$5.132 billion for R&RA, a 10% increase over the FY2007 enacted level of \$4.666 billion. R&RA funds research projects, research facilities, and education and training activities. Partly in response to concerns in the scientific community about the imbalance between support for the life sciences and the physical sciences, the FY2008 request included increased funding for the physical sciences. The FY2008 request also included a proposal to transfer support for EPSCoR from EHR to Integrative Activities. The FY2008 request included \$107 million for EPSCoR.

The FY2008 request for the EHR Directorate was \$750.6 million, 5.8% below the FY2007 enacted level of funding. The EHR portfolio is focused on increasing the technological literacy of all citizens, preparing the next generation of science, engineering, and mathematics professionals, and closing the achievement gap in all scientific fields. Support at the various educational levels in the FY2008 request was: precollege, \$222.5 million; undergraduate, \$210.2 million; and

¹³¹ *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), p. 315.

¹³² H.Rept. 110-240 (H.R. 3093), pp. 124-125.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

graduate, nearly \$169.5 million. The Math and Science Partnership Program, a crosscutting program with the Department of Education, was proposed at \$46 million in the FY2008 request.

The MREFC account was funded at \$244.7 million in the FY2008 request, a 28.2% increase over the FY2007 enacted level of funding. Projects to be supported in the FY2008 request included Atacama Large Millimeter Array Construction (\$102.1 million), Ice Cube Neutrino Observatory (\$22.4 million), National Ecological Observatory Network (\$8.0 million), South Pole Station Modernization project (\$6.6 million), Alaskan Region Research Vessel (\$42.0 million), Ocean Observatories Initiative (\$31.0 million), and Advanced Laser Interferometer Gravitational Wave Observatory (\$32.8 million).

The Senate-passed bill would have provided a total of \$6.553 billion for the NSF in FY2008, \$124.4 million above the request and \$636.2 million above the FY2007 enacted level of funding. Included in the total was \$5.156 billion for R&RA, \$24.4 million above the FY2008 request and \$490.1 million above FY2007. The Senate bill would have funded the EHR at \$850.6 million and the MREFC at \$244.7 million. The House-passed bill would have provided \$6.499 billion for the NSF in FY2008,¹³⁵ \$70 million more than the request, and \$54.4 million less than the Senate version.¹³⁶ The House would have funded the R&RA at approximately \$5.140 billion, \$8 million more than the request and \$16.1 million less than the Senate bill. For the MREFC and the EHR, the House would have provided \$244.7 million and \$822.6 million, respectively.

Related Legislation

H.R. 1867 (Baird)

The National Science Foundation Authorization Act of 2007, as passed by the House, would authorize appropriations for NSF for FY2008-FY2010. Among other things, it would require an increase in funding for the Research Experiences for Undergraduates programs; would direct the National Science Board to evaluate the role of NSF in supporting interdisciplinary research; and would require the creation of a pilot program to award one-year grants to individuals to assist them in improving research proposals previously submitted to NSF but not selected for funding.

Related CRS Products

CRS Report RS21767, *Hubble Space Telescope: NASA's Plans for a Servicing Mission*, by Daniel Morgan.

CRS Report RS21267, *U.S. National Science Foundation: Major Research Equipment and Facility Construction*, by Christine M. Matthews.

CRS Report 95-307, *U.S. National Science Foundation: An Overview*, by Christine M. Matthews.

CRS Report RL30930, *U.S. National Science Foundation: Experimental Program to Stimulate Competitive Research (EPSCoR)*, by Christine M. Matthews.

¹³⁵ Representative Capito offered an amendment (agreed 243-186, Roll No. 727) that reduced funding for the NSF operations and award management program by \$10 million (below the amount provided in the reported bill) to increase funding for Department of Justice Office on Violence Against Women. *Congressional Record*, daily edition, vol. 153 (July 25, 2007), pp. H8456-8458, H8492.

¹³⁶ The House bill also includes a proposed rescission of \$24 million in prior year appropriations for the NSF.

Related Agencies

The FY2008 appropriations for related agencies is \$809 million as **Table 10** shows. This amount is \$46.3 million more than the Administration's request and \$8 million more than the FY2007 appropriations for those agencies. FY2008 funding was appropriated for all related agencies except for the Antitrust Modernization Commission, for which the authorization has expired (as discussed below). The FY2008 budget request included nearly \$763 million for these agencies, \$38.2 million less than the amount appropriated by Congress for these agencies for FY2007. However, the request included no additional funding for the Antitrust Modernization Commission, the National Veterans Business Development Corporation, or the State Justice Institute. The Senate-passed bill included funding for the State Justice Institute, but would not have funded the other two agencies. Nevertheless, the Senate-passed bill would have provided nearly \$99.0 million over the FY2007 enacted level for Title IV agencies for FY2008, with the largest increases going to the Equal Employment Opportunity Commission and the Legal Services Corporation. By comparison, the House-passed bill would have provided \$45 more than the FY2007 enacted level for FY2008.

Table 10. Funding for CJS Related Agencies
(budget authority in millions of dollars)

Commission, Office, or Corporation	FY2007 Enacted	FY2008 Request	House-Passed	Senate-Passed	FY2008 Enacted
Antitrust Modernization Commission	0.5	—	—	—	—
U.S. Commission on Civil Rights	9.0	8.8	9.0	9.0	8.5
Equal Employment Opportunity Commission (EEOC)	328.7	327.7	332.7	378.0	329.3
International Trade Commission	62.0	68.4	68.4	68.4	68.4
Legal Services Corporation	348.6	310.9	377.0	390.0	350.5
Marine Mammal Commission	2.9	2.3	3.0	3.0	2.8
National Veterans Business Development Corporation	1.5	—	2.5	—	1.4
Office of the U.S. Trade Representative	44.2	44.4	48.4	47.8	44.1
State Justice Institute ^a	3.5	—	4.6	3.5	3.8
Total: Related Agencies	800.7	762.5	845.7	899.7	808.8

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; and for FY2008 enacted amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

- a. Under the terms of its enabling legislation, the State Justice Institute is authorized to present its budget request directly to Congress.

Antitrust Modernization Commission¹³⁷

The Antitrust Modernization Commission Act (P.L. 107-273, enacted 11/2/02) created a 12-person commission to evaluate U.S. antitrust laws. The commission issued its final report on April 3, 2007. The Commission expired at the end of May, 2007. The President's FY2008 request does not include any continued funding for the Antitrust Modernization Commission. This follows \$1.2 million enacted in FY2006 and \$0.5 million in FY2007. Neither the House- nor the Senate-passed bills include any funding in FY2008. The final product was the *Antitrust Modernization Commission: Report and Recommendations*. In preparation for this report, the commission held 18 hearings and interviewed 117 witnesses. The topics included merger enforcement, exclusionary conduct, international antitrust, and criminal remedies, among others. The final report included recommendations organized under (1) substantive law, (2) enforcement institutions, (3) civil and criminal penalties, and (4) government exceptions to free-market competition. The report also included separate statements submitted by the individual commissioners. Congress appropriated no additional funding for this commission for FY2008.

Commission on Civil Rights¹³⁸

The U.S. Commission on Civil Rights (Commission), established by the Civil Rights Act of 1957, investigates allegations of citizens, who may have been denied the right to vote based on color, race, religion, or national origin; studies and gathers information on legal developments constituting a denial of the equal protection of the laws; assesses federal laws and policies in the area of civil rights; and submits reports on its findings to the President and Congress when the Commission or the President deems it appropriate.

For FY2008, the Bush Administration requested \$8.8 million for the U.S. Commission on Civil Rights, or \$172 thousand less than the FY2007 enacted level of nearly \$9 million for the Commission. Both the House- and Senate-passed bills would have provided \$9 million for the Commission. The Commission's enacted FY2008 budget is \$8.5 million.

In report language, the House Appropriations Committee expressed concern that 36 of the 51 State Advisory Committees are inoperative because their authorizing charters have expired.¹³⁹ The House committee directed the Commission to give priority to reconstituting the State Advisory Committees and to make appointments that reflect a balance of viewpoints and a diversity in membership, especially in terms of gender, disability, party affiliation, and civil rights experience with affected communities. Further, the Committee stated that no one should be denied an opportunity to serve on a State Advisory Committee because of race, age, sex, sexual orientation, religion, national origin, disability, or political persuasion.

Equal Employment Opportunity Commission (EEOC)¹⁴⁰

The EEOC enforces laws banning employment discrimination based on race, color, national origin, sex, age, or disability. In recent years, appropriators have been particularly concerned about the agency's implementation of a restructuring plan. The plan includes the National Contact

¹³⁷ This section was written by Edward V. Murphy, Analyst in Financial Institutions, Government and Finance Division.

¹³⁸ This section was written by Garrine P. Laney, Analyst in Social Legislation, Domestic Social Policy Division.

¹³⁹ H.Rept. 110-240, p. 130.

¹⁴⁰ This section was prepared by Abigail Rudman, Information Research Specialist, Knowledge Services Group, and Linda Levine, Specialist in Labor Economics, Domestic Social Policy Division.

Center (NCC) pilot project that began in March 2005; the January 2006 commencement of field structure and staff realignment that the Commission approved in mid-2005; and the examination of headquarters' structure and operations to streamline functions and clarify roles and responsibilities.

For FY2008, P.L. 110-161 provides \$329.3 million for the EEOC, which is an increase of \$6.5 million from the FY2007 enacted level and \$1.6 million from the President's request. This amount also includes \$29.1 million for payments to state and local entities that work with the agency. The act requires that the EEOC must notify the House and Senate Appropriations Committees of any proposal for workforce repositioning, restructuring, or reorganization. Further, the joint explanatory statement directs the EEOC:¹⁴¹

- to provide a spending plan within 60 days after enactment highlighting the changes the Commission plans to make to reduce backlog and handle calls after the termination of the NCC,
- to use a portion of the funds to upgrade the EEOC's telephone technology and to hire staff in field offices to handle calls, and
- to notify and consult Congress if the NCC extends beyond February 1, 2008.¹⁴²

The President's FY2008 budget request for the EEOC was \$327.7 million, which was \$1 million below the FY2007 enacted level of \$322.8 million. The budget included \$28 million for payments to state and local entities with which the agency has work-sharing agreements to address workplace discrimination within their jurisdictions (i.e., Fair Employment Practices Agencies, FEPAs, and Tribal Employment Rights Organizations, TEROs); this was the same amount requested last year and less than the \$33 million to which the Congress typically has raised the allocation. The request also included \$1 million to relocate the EEOC's headquarters in Washington, D.C. In addition, the Administration proposed reconfiguring or relocating field offices to comply with reduced space requirements.

The House Appropriations Committee directed the EEOC to use the increase to reduce its backlog of discrimination complaints and to report to the Committee on steps that will be taken to cut the backlog. Reflecting previously expressed concerns about the NCC pilot, the Committee eliminated the \$2.5 million that had been requested for it. It recommended that those funds instead be used to update current telephone technology and hire additional field staff to handle phone calls or locate an in-house call center in surplus space at EEOC offices. In report language, the Senate Appropriations Committee also expressed concern about the large backlog of employment discrimination charges and pointed to findings in the Inspector General's report on the NCC to support prohibiting the use of funds in S. 1745 to operate it. The Committee also called upon the Inspector General (IG) to evaluate the effect of the Commission's repositioning plan on the delivery of core services and any cost savings associated with it; the IG is directed to submit a report within 90 days of the act's enactment.

In addition, the Senate Appropriations Committee included an amendment to H.R. 3093 by Senator Alexander previously approved by the Committee barring the EEOC from using its appropriation to initiate or participate in a civil action against an employer who requires an employee to speak English while at work. Representative Frelinghuysen offered a motion to

¹⁴¹ *Congressional Record*, daily edition (December 17, 2007), p. H15826.

¹⁴² This action reflects the Commission's having voted on July 26, 2007 against renewing operation of the NCC, but extending the contract through March 2008, during which time it intended to work with a consultant to develop a transition strategy.

instruct House conferees to agree to the amendment that Senator Alexander originally had proposed; the motion was approved.¹⁴³ Some members of the Congressional Hispanic Caucus protested in response.¹⁴⁴ However, P.L. 110-161 did not include the English at work provision.

International Trade Commission (ITC)¹⁴⁵

The ITC is an independent, quasi-judicial agency that advises the President and Congress on the impact of U.S. foreign economic policies on U.S. industries and, along with the Import Administration Unit of ITA, is charged with administering various U.S. trade remedy laws. Its six commissioners are appointed by the President for nine-year terms. As a matter of policy, its budget request is submitted to Congress by the President without revision. For FY2008, P.L. 110-161 provides ITC with \$68.4 million, or \$6.4 million over the FY2007 enacted budget level and the same amount requested by the Administration.

Legal Services Corporation (LSC)¹⁴⁶

The LSC is a private, non-profit, federally funded corporation that provides grants to local offices that, in turn, provide legal assistance to low-income people in civil (non-criminal) cases. The LSC has been controversial since its incorporation in the early 1970s and has been operating without authorizing legislation since 1980. There have been ongoing debates over the adequacy of funding for the agency and the extent to which certain types of activities are appropriate for federally funded legal aid attorneys to undertake. In annual appropriations bills, Congress traditionally has included legislative provisions restricting the activities of LSC-funded grantees, such as prohibiting any lobbying activities or prohibiting representation in certain types of cases. Current LSC funding remains below the LSC's highest funding level of \$400 million in FY1994 and FY1995.¹⁴⁷

The Consolidated Appropriations Act, 2008 (P.L. 110-161) includes \$350.5 million for the LSC for FY2008. This amount is \$1.9 million above the FY2007 appropriation (\$348.6 million) for the LSC and \$39.6 million above the Administration's FY2008 budget request for the LSC. The FY2008 appropriation for the LSC includes \$332.4 million for basic field programs and required independent audits; \$12.5 million for management and administration; \$2.1 million for client self-help and information technology; \$3.0 million for the Office of the Inspector General; and \$0.5 million for loan repayment assistance.

For FY2008, the Bush Administration requested \$310.9 million for the LSC. The Administration's budget request included \$289 million for basic field programs and required independent audits; almost \$13 million for management and administration; \$5 million for client self-help and information technology; and \$3 million for the Office of the Inspector General.

For FY2008, the Senate Appropriations Committee recommended \$390 million for the LSC, a \$41.4 million increase above the FY2007 LSC appropriation, and \$79.1 million above the Administration's FY2008 budget request for the LSC. During the Senate debate on the bill, an amendment by Senator Jeff Bingaman was passed that would have permitted LSC-funded legal

¹⁴³ *Congressional Record*, daily edition (November 8, 2007), p. H13387.

¹⁴⁴ *Congressional Quarterly*, Weekly Report Appropriations (November 19, 2007), p. 3485.

¹⁴⁵ This section was written by M. Angeles Villarreal, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

¹⁴⁶ This section was prepared by Carmen Solomon-Fears, Specialist in Social Policy, Domestic Social Policy Division.

¹⁴⁷ For additional information on the LSC, see CRS Report RL34016, *Legal Services Corporation: Background and Funding*, by Carmen Solomon-Fears.

services programs to provide legal assistance to “H2B” workers—temporary foreign workers employed in the forestry industry—in matters directly related to their employment. LSC-funded programs are currently prohibited from serving H2B workers. The Senate-passed bill would have provided \$390 million for the LSC for FY2008.

The House-passed bill, by comparison, would have provided \$377 million for the LSC, a \$28.4 million increase above the FY2007 appropriation, \$66.1 million above the Administration’s FY2008 budget request, and \$13 million below the Senate-passed bill.

Marine Mammal Commission (MMC)¹⁴⁸

The MMC is an independent agency of the executive branch, established under Title II of the Marine Mammal Protection Act (MMPA; P.L. 92-522). The MMC reviews and makes recommendations on domestic and international actions and policies of all federal agencies with respect to marine mammal protection and conservation and with carrying out a related research program. As funding permits, the MMC supports research to further the purposes of the MMPA. In 2005, the MMC awarded seven competitive grants totaling approximately \$252 thousand plus an additional three non-competitive grants totaling approximately \$40 thousand.

The FY2007 Revised Continuing Appropriations Resolution (P.L. 110-10) provided the MMC with nearly \$2.9 million for FY2007. In its report on FY2007 appropriations for the MMC (H.Rept. 109-520), the House Appropriations Committee urged the MMC to continue prioritizing activities related to minimizing the direct and indirect effects of chemical contaminants, marine debris, noise, and other forms of ocean pollution on marine mammals and other marine organisms.

The President’s FY2008 budget request for the MMC was \$2.3 million. The Senate-passed bill included \$3 million for the MMC. The Senate committee stated that the proposed increase would

... cover the costs of inflation, and for necessary expenses including the hiring of one full-time equivalent [FTE] to help ensure the Commission meets its responsibilities. This increase will allow the Commission to address a variety of challenges including climate change and the continued study of endangered species.¹⁴⁹

The Senate committee also stated that the MMC would

... also pursue a number of projects including, but not limited to, completing a report on Federal spending for marine mammal research over the past three decades, reviewing cumulative effects of risk factors on marine mammals, and the continuance of work with National Marine Fisheries Service, and the Fish and Wildlife Service to assess issues related to marine mammal and fishery interactions.¹⁵⁰

The House-passed bill would have provided \$3 million for the MMC to increase funding to monitor marine mammal adaptation to climate change. The House committee expressed its expectations that the MMC

... continue its efforts to minimize the direct and indirect effects of fisheries, noise, disease, chemical contaminants, harmful algal blooms, climate change, habitat alteration, boating and commercial shipping, marine debris, and other factors that may pose a risk of sublethal

¹⁴⁸ This section was prepared by Eugene H. Buck, Specialist in Natural Resources Policy; Resources, Science, and Industry Division.

¹⁴⁹ S.Rept. 110-124, p. 125.

¹⁵⁰ Ibid.

and lethal effects on marine mammals or that may affect the health and stability of the marine ecosystem.¹⁵¹

The enacted FY2008 MMC appropriation is \$2.8 million.

National Veterans Business Development Corporation (VBC)¹⁵²

The VBC was established under the Veterans Entrepreneurship and Small Business Development Act of 1999 (P.L. 106-50). The corporation's mission is to foster entrepreneurship and business opportunities for veterans, including service-disabled veterans. The VBC provides veterans with access to capital and business services, entrepreneurial education, surety bonding, insurance and prescription coverage, as well as a veterans business directory. Congress provided the corporation with \$1.5 million in funding for each year, FY2006 and FY2007. For FY2008, the Administration requested no funding for the VBC, however. Nor did the Senate-passed bill include any funding for the VBC. The House-passed bill would have provided \$2.5 million for the VBC. House report language also directs the corporation to submit a spending plan to the Committee within 30 days of enactment that breaks out funding for overhead costs, salary, benefits and places of operation for all of its community based organizations. The enacted FY2008 VBC appropriation is \$1.4 million.

Office of the U.S. Trade Representative (USTR)¹⁵³

USTR, located in the Executive Office of the President (EOP), is responsible for developing and coordinating U.S. international trade and direct investment policies. The USTR is responsible for advancing U.S. interests at the WTO and negotiating bilateral and regional free trade agreements (FTAs). In 2006 and 2007, the Administration concluded FTAs with Peru, Colombia, Oman, Panama, and South Korea. The Administration has ongoing negotiations with Thailand, Malaysia, and the United Arab Emirates. In 2006, USTR obtained congressional approval of FTAs with Bahrain, the Dominican Republic, and Central American countries. The Office had 229 full-time employees in FY2007.

For FY2008, Congress has appropriated \$44.1 million for USTR, or \$100 thousand less than the FY2007 enacted level of \$44.2 million and \$300 thousand less than the Administration's request. By comparison, the House-passed bill included \$48.4 million for the USTR, and the Senate-passed bill included \$47.8 million.

State Justice Institute (SJI)¹⁵⁴

The SJI is a private, nonprofit corporation that makes grants to state courts and funds research, technical assistance, and informational projects aimed at improving the quality of judicial administration in state courts across the United States. Under the terms of its enabling legislation, SJI is authorized to present its budget request directly to Congress, apart from the President's budget. The FY2008 SJI appropriation is \$3.76 million, an 8.7% increase over the \$3.46 million

¹⁵¹ H.Rept. 110-240, p. 134.

¹⁵² This section was written by William J. Krouse, Specialist in Domestic Security.

¹⁵³ This section was written by M. Angeles Villarreal, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

¹⁵⁴ This section was written by Denis Steven Rutkus, Specialist in American National Government, Government and Finance Division.

appropriated for both FY2007 and FY2006. The Bush Administration, as in its budgets for the previous five years, did not request any appropriated funds for the institute in FY2008.¹⁵⁵ The House-passed bill included \$4.64 million for SJI in FY2008, while the Senate-passed bill included \$3.5 million for SJI.

Table 11. CJS Appropriations by Account, FY2007 Enacted, FY2008 Proposed, and FY2008 Enacted

(budget authority in millions of dollars)

Bureau or Agency	FY2007 Enacted ^a	FY2008 Request ^b	House-Passed	Senate-Passed	FY2008 Enacted
Department of Commerce (DOC)					
International Trade Administration	395.6	412.4	422.4	417.4	405.2
Bureau of Industry and Security	75.4	78.8	78.8	78.8	72.9
Economic Development Administration	280.6	202.8	302.8	282.8	279.9
Minority Business Development Agency	29.7	28.7	31.2	30.2	28.6
Economic and Statistical Analysis	79.8	85.0	86.5	85.0	81.1
Bureau of the Census	893.0	1,230.2	1,222.2	1,246.6	1,230.2
National Telecommunications and Information Administration ^c	39.8	18.6	45.3	48.6	36.3
Patent and Trademark Office ^d	(1,771.0)	(1,915.5)	(1,915.5)	(1,915.5)	(1,915.5)
Technology Administration	2.0	1.6	1.0	0.0	—
National Institute of Standards and Technology	676.9	640.7	831.2	832.2	755.8
National Oceanic and Atmospheric Administration	4,078.3	3,809.6	3,950.5	4,184.9	3,896.5
Departmental Management	73.7	87.4	46.5	82.7	70.0
DOC Subtotal	6,624.7	6,595.8	7,018.4	7,289.2	6,856.5
Department of Justice (DOJ)					
General Administration	1,836.2	1,901.6	1,819.5	1,829.0	1,794.8
U.S. Parole Commission	11.5	12.2	12.2	12.2	11.5
Legal Activities	3,393.1	3,664.9	3,609.1	3,710.6	3,584.0
National Security Division	68.7	78.1	78.1	78.1	73.4
Interagency Law Enforcement	497.9	509.2	509.2	509.2	497.9
Federal Bureau of Investigation	6,298.6	6,524.8 ^b	6,531.8	6,601.7	6,657.7
Drug Enforcement Administration	1,761.1	1,804.6 ^b	1,842.6	1,854.2	1,857.6
Bureau of Alcohol, Tobacco, Firearms and Explosives	984.1	1,014.0	1,014.0	1,049.0	1,007.6
Federal Prison System	5,448.2	5,363.9	5,268.9	5,648.9	5,425.5
Office of Violence Against Women	382.6	370.0	459.0	400.0	400.0

¹⁵⁵ In the *Appendix of the Budget of the United States Government* for each fiscal year from FY2002 through FY2008, a funding table for the State Justice Institute, and brief accompanying text, indicated that the proposed budget for each year entailed no appropriated funds for SJI but did not provide an explanation for why no funding was requested.

Bureau or Agency	FY2007 Enacted ^a	FY2008 Request ^b	House- Passed	Senate- Passed	FY2008 Enacted
Office of Justice Programs	2,528.5	1,104.7	2,830.0	2,800.1	2,282.0
DOJ Subtotal	23,210.4	22,347.9	23,974.2	24,492.8	23,591.9^h
Science Agencies					
Office of Science and Technology	5.5	5.5	5.5	5.7	5.2
NASA	16,284.3	17,309.4	17,622.5	18,459.6 ^g	17,309.4
National Science Foundation	5,917.2	6,429.0	6,499.0	6,553.4	6,065.0
Science Agencies Subtotal:	22,207.0	23,743.9	24,127.0	25,018.7^g	23,379.6
Related Agencies					
Antitrust Modernization Commission	0.5	—	—	—	—
Commission on Civil Rights	9.0	8.8	9.0	9.0	8.5
Equal Employment Opportunity Commission (EEOC)	328.7	327.7	332.7	378.0	329.3
International Trade Commission	62.0	68.4	68.4	68.4	68.4
Legal Services Corporation	348.6	310.9	377.0	390.0	350.5
Marine Mammal Commission	2.9	2.3	3.0	3.0	2.8
National Veterans Business Development Corporation	1.5	—	2.5	—	1.4
U.S. Trade Representative	44.2	44.4	48.4	47.8	44.1
State Justice Institute ^e	3.5	—	4.6	3.5	3.8
Related Agencies Subtotal	800.7	762.5	845.7	899.7	808.8
Total Appropriations	52,842.9	53,450.1^b	55,965.4^f	57,700.4^g	54,636.8^h
Rescissions					
Department of Commerce	(32.0)	(48.6)	(41.8)	(10.0)	(36.7)
Department of Justice	(328.5)	(456.0)	(687.3)	(681.0)	(639.7)
Science Agencies	—	—	(93.8)	—	(225.5)
Total Rescissions	(360.5)	(504.6)	(822.9)	(691.0)	(901.8)
Grand Total	52,482.4	52,945.5^b	55,142.4^f	57,009.4^g	53,735.0^h

Sources: For House amounts, see H.R. 3093 (H.Rept. 110-240) and *Congressional Record*, July 25-26, 2007; for Senate amounts, S. 1745 (S.Rept. 110-124) and *Congressional Record*, October 4, 15-16, 2007; and for final FY2008 enacted amounts, the *House Appropriations Committee Print on the Consolidated Appropriations Act, 2008* (H.R. 2764/P.L. 110-161), pp. 438-450.

Note: Amounts may not total due to rounding.

- The FY2007 Enacted column includes funding provided by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).
- The amounts in this table for the FY2008 request reflect a November 6, 2007, budget amendment submitted by the Administration that would provide additional funding for the FBI (\$39 million for cybersecurity and \$105 million for counterterrorism) and the DEA (\$2 million for counterterrorism). The FY2008 request amounts, however, do not reflect an additional \$146.7 million requested by the Administration in February 2008 for the Department of Justice as part of the FY2008 Global War on Terror Supplemental.

- c. FY2008 request does not include \$45 million in mandatory spending from the Digital Transition and Safety Public Fund.
- d. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected, but not obligated during the current year, are available for obligation in the following fiscal year and do not count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals.
- e. Under the terms of its enabling legislation, the State Justice Institute is authorized to present its budget request directly to Congress.
- f. This amount includes a \$10 million dollar reduction from the Department of Commerce's departmental management account, so that the FY2008 cap on obligations from the Crime Victims Fund could be increased by that amount. Under Congressional Budget Office scorekeeping rules, increasing that cap reduced savings that were scored previously under the bill. To sustain the same level of savings under the bill, directly appropriated funding was reduced by a like amount.
- g. Includes \$1 billion in emergency funding for NASA return to flight activities.
- h. Includes \$285.5 million in emergency spending for the Department of Justice.

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Division abbreviations: ALD = American Law Division; DSP = Domestic Social Policy Division; FDT = Foreign Affairs, Defense, and Trade Division; G&F = Government and Finance Division; RSI = Resources, Science, and Industry Division.

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